

RESOLUTION NO. 2013-05

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, ORDERING AND CALLING A SPECIAL BOND ELECTION TO BE HELD IN AND FOR THE TOWN OF FOUNTAIN HILLS, ARIZONA, ON NOVEMBER 5, 2013, TO SUBMIT TO THE QUALIFIED ELECTORS THEREOF THE QUESTION OF AUTHORIZING THE ISSUANCE AND SALE OF EIGHT MILLION TWO HUNDRED THOUSAND DOLLARS (\$8,200,000) PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS, PROJECT OF 2013.

WHEREAS, the Mayor and Council of the Town of Fountain Hills, Arizona, (the "Town Council") believe it to be in the best interest of the Town of Fountain Hills (the "Town") to authorize the issuance and sale of eight million two hundred thousand dollars (\$8,200,000) principal amount of General Obligation Bonds, which bonds would provide funding for the purposes set forth in the form of the ballot attached hereto as Exhibit A; and

WHEREAS, it is necessary that the Town Council submit the question of the issuance and sale of such bonds to the qualified electors of the Town; and

WHEREAS, the Council may consolidate the special election with any other election conducted in the Town on November 5, 2013.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS as follows:

SECTION 1. Order Election. Pursuant to Arizona Revised Statutes ("A.R.S."), Section 35-453, as amended, a special election in the Town of Fountain Hills, Arizona, is hereby ordered and called to be held on November 5, 2013, to submit to the qualified electors of the Town the question as shown on the form of ballot attached hereto and marked Exhibit A, which is a part of this Resolution and the terms of which are incorporated by reference herein.

SECTION 2. Call for Election. Pursuant to A.R.S. § 35-455(B), the aggregate amount of bonds set forth above shall bear a maximum rate of interest of eight percent (8%), may run for a minimum number of years from their date of one (1) year or fraction thereof and a maximum of fifteen (15) years. The current outstanding general obligation debt of the Town for the purposes included in the twenty percent (20%) debt limit category is \$3,755,000.00 and for the purposes included in the six percent (6%) debt limit category is \$0.00. The current twenty percent (20%) and six percent (6%) constitutional debt limits of the Town are \$75,504,344.00 and \$22,651,303.00, respectively. For purposes of completion and distribution of the informational pamphlet described in Section 4 of this Resolution, the amounts of the Town's outstanding general obligation debt and the constitutional debt limits stated in this Section may be recalculated, revised and replaced with updated amounts based upon and calculated from updated information. The bonds may be refunded by the issuance of refunding bonds of a weighted average maturity of less than 75% of the weighted average maturity of the bonds being refunded.

SECTION 3. Publication of the Call and Notice of Election. The publication of the call and notice of the special election shall be given, or caused to be given, by the Town Clerk, as provided by law, and as may be deemed necessary and appropriate in the Town Clerk's discretion to advise the public of the election.

SECTION 4. Informational Pamphlet. The Town Clerk is hereby directed to cause the preparation and distribution of an informational pamphlet, which shall include the sample ballot for the Town pursuant to and meeting the requirements of A.R.S. § 35-454 and, if the Town Clerk determines it to be in the Town's best interests, combine such informational pamphlet and sample ballot with any other informational pamphlet being prepared for the November 5, 2013 Special Election. The officers of the Town are hereby authorized to prepare and deliver or cause to be prepared and delivered to the Town Clerk the information necessary or appropriate for completing the informational pamphlet, including, without limitation: the estimated debt retirement schedule for the current amount of bonds outstanding; the estimated debt retirement schedule for the proposed bond authorization; source of repayment; the estimated issuance costs; the estimated tax impact on an average owner-occupied residence, commercial, industrial and agricultural or other vacant property; the estimated total cost of the proposed bond authorization, including principal and interest; the current outstanding general obligation debt and constitutional debt limitation; an introductory statement on behalf of the Town; and a statement of the purpose for which the bonds are to be issued. The informational pamphlet is to be mailed not less than thirty-five (35) days before the date of the special election to the residence of each registered voter of the Town as shown on the general county register. The Town Clerk is hereby directed to submit a copy of the informational pamphlet to the Arizona Department of Revenue within thirty (30) days after the election.

SECTION 5. Submitting Arguments. Pursuant to A.R.S. § 35-454, as amended, the Town hereby sets the date of August 7, 2013, at the hour of 5:00 p.m., as the deadline to submit arguments "for" or "against" authorization to issue the bonds. The Town Clerk is authorized to publish in a newspaper of general circulation within the Town a notice stating the deadline for the filing with the Town of arguments "for" or "against" the bonds, for inclusion in the informational pamphlet pertaining to the bonds. A form of the notice requesting arguments "for" and "against", including the deadline for submitting arguments, is attached hereto as Exhibit B. The Town Clerk is authorized to revise the form of notice hereto as necessary to comply with all applicable laws. Each argument shall not exceed 300 words in length and shall contain the original, notarized signature of each person sponsoring it. If the argument is sponsored by an organization, the original, notarized signatures of two executive officers are required. If the argument is sponsored by a political committee, the original, notarized signature of the committee's chair or treasurer is required. Persons signing shall also identify themselves by giving their residence or post office address and a telephone number, which shall not appear in the pamphlet. With each argument supporting or opposing the proposition, one hundred dollars (\$100.00) shall be deposited with the Town Clerk, for a proportionate cost of paper and printing the argument.

SECTION 6. Conduct of Election. The election will be conducted by mail ballot according to A.R.S. § 16-409, as amended, and the Town Clerk is hereby authorized to determine the manner in which the election shall be conducted and to sign Maricopa County's Menu of Services agreement for the conduct of the November 5, 2013 Special Election. The

election shall be conducted and the votes cast thereat shall be counted and tabulated, and the returns thereof shall be made in the manner provided by law. Only persons who are qualified electors of the Town shall vote at the election. The Fountain Hills Town Hall, located at 16705 E. Avenue of the Fountains, and any office of the Maricopa County Recorder, are hereby designated as ballot depositories pursuant to A.R.S. § 16-411, as amended, at which locations voters may deposit marked ballots until 7:00 p.m. on November 5, 2013. Further, the Fountain Hills Town Hall and any office of the Maricopa County Recorder are hereby designated as the Town's ballot replacement locations at which a voter may obtain a replacement ballot until 7:00 p.m. on November 5, 2013. The Town Clerk shall determine and develop the processes for conducting an all mail ballot election for the question submitted to the qualified electors of the Town. The special election may be consolidated with any other election conducted in the Town on November 5, 2013.

SECTION 7. Deadline for Voter Registration and Mailing of Ballots. Maricopa County registration and voting lists will be used for the special election. To be qualified to vote in the special election, a Town resident must be registered to vote by Monday, October 7, 2013. In an all-mail ballot election, all qualified electors who were registered by the registration deadline will receive a mail ballot. Official ballots for the special election will be mailed by Maricopa County Elections to qualified electors on Thursday, October 10, 2013. The Fountain Hills Town Hall and Maricopa County Recorder offices will open as the ballot replacement location on Monday, October 14, 2013.

SECTION 8. Voting Rights Act Submission and Spanish translation. To comply with the Voting Rights Act of 1965, as amended, the proceedings pertaining to this election will be translated into Spanish and posted, published, and/or recorded in each instance where posting, publication, and/or recording for such proceedings are required, such as this call of election, the notice of election, ballots, all early voting materials, and all instructions contained in the mail ballot materials.

SECTION 9. Ballots. The Town Clerk is hereby authorized and directed to cause ballots to be printed and mailed to the qualified electors offering to vote at the election. The special bond election may be conducted in the manner determined to be in the best interests of the Town by the Maricopa County Election Department and the Town Council or either of them. The Mayor and the Town Clerk, or either of them, is authorized and directed to enter into one or more contracts or agreements with the Maricopa County Recorder and with the Maricopa County Elections Department for election services.

SECTION 10. Canvass of Election. The returns of the special election shall be made to the Town Council, which shall meet on a day that is within twenty (20) days after the election to canvass the returns and certify the results, all as provided by law. The Mayor and Council will be governed by the vote of the majority on the question submitted. The Town Clerk shall record a copy of the Council resolution canvassing the results in the office of the Maricopa County Recorder.

[SIGNATURES ON FOLLOWING PAGE]

PASSED AND ADOPTED by the Mayor and Council of the Town of Fountain Hills, Arizona, March 21, 2013.

FOR THE TOWN OF FOUNTAIN HILLS:

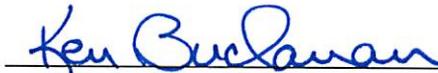
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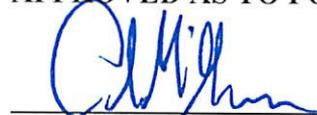

Linda M. Kavanagh, Mayor


Bevelyn J. Bender, Town Clerk

REVIEWED BY:

APPROVED AS TO FORM:


Ken Buchanan, Town Manager


Andrew J. McGuire, Town Attorney

CERTIFICATION

I, Bevelyn J. Bender, the duly appointed and acting Town Clerk of the Town of Fountain Hills, Arizona, do hereby certify that the above and foregoing Resolution No. 2013-05 was duly passed by the Town Council of the Town of Fountain Hills, Arizona, at a regular meeting held on March 21, 2013, and the vote was 7 aye's and 0 nay's and that the Mayor and 6 Councilmembers were present thereat.

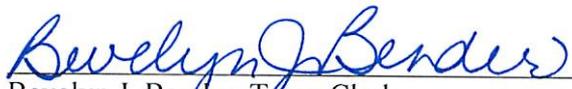

Bevelyn J. Bender, Town Clerk

EXHIBIT A
TO
RESOLUTION NO. 2013-05

OFFICIAL BALLOT

**FOR SPECIAL ELECTION IN AND FOR THE TOWN OF FOUNTAIN HILLS,
ARIZONA ON NOVEMBER 5, 2013**

Question

Shall the Mayor and Council of the Town of Fountain Hills, Arizona, be authorized to issue and sell bonds of the Town of Fountain Hills in the principal amount of \$8,200,000, to provide funds to design, improve, construct, reconstruct and rehabilitate Saguaro Boulevard, including any curb, gutter, sidewalks, traffic signal/control systems, underground utility lines, landscaping, and other improvements appurtenant or adjacent thereto; and to liquidate any indebtedness incurred for such purposes? The bonds shall be issued as general obligation bonds of the Town, payable from the levy of an ad valorem tax against the taxable property located within the Town. The bonds shall bear interest at a rate of not to exceed eight percent (8%) per annum, said interest being payable semiannually on the first day of January and the first day of July of each year until the maturity of each bond. The bonds shall mature over a period of not to exceed fifteen (15) years from the date of their issuance. The bonds, and any bonds issued to refund the Town's bonds, may be sold at prices that include premiums not greater than permitted by law, shall be issued in the amount of \$5,000 each or multiples thereof and mature on the first day of the same month of each year which may be either January or July. The bonds may be refunded by the issuance of refunding bonds of a weighted average maturity of less than 75% of the weighted average maturity of the bonds being refunded.

The issuance of these bonds will result in a property tax increase sufficient to pay the annual debt service on the bonds.

FOR THE BONDS	<input type="checkbox"/>
AGAINST THE BONDS	<input type="checkbox"/>

NOTICE TO VOTERS:

The voter shall place a mark in the square opposite the words "For the Bonds" or "Against the Bonds", whichever words express the voter's choice. Only qualified electors of the Town of Fountain Hills, Arizona are eligible to vote at this election.

EXHIBIT B
TO
RESOLUTION NO. 2013-05

**TOWN OF FOUNTAIN HILLS
NOVEMBER 5, 2013 SPECIAL ELECTION
REQUEST FOR STATEMENTS “FOR” OR “AGAINST”
THE TOWN OF FOUNTAIN HILLS, ARIZONA
BOND PROPOSITION**

The Town of Fountain Hills, Arizona (the “Town”), will hold a Special Election, on Tuesday, November 5, 2013 to seek approval of bonds for transportation and street upgrades in the principal amount not to exceed \$8,200,000. The estimated average tax rate for the proposed bond authorization is \$ ____ per \$100 of secondary assessed valuation.

Ballot language for Proposition ____ is available in the Town Clerk’s Office and on the Internet: www.fh.az.gov.

Proposition ____ will be presented to the qualified voters of the Town of Fountain Hills in an informational pamphlet. The pamphlet will be mailed to the households of all registered voters prior to the start of early voting.

Any persons wishing to submit a statement “for” or “against” the bond question may be submitted for publication in the informational pamphlet. Each argument cannot exceed 300 words in length and must contain the original, notarized signature of each person sponsoring it. The residence or post office address and phone number of each signer must be on the argument, but will not be printed in the informational pamphlet. If an argument is sponsored by an organization, the original, notarized signatures of two executive officers of the organization are required. If an argument is sponsored by a political committee, the original, notarized signature of the committee’s chair or treasurer is required. A payment of \$100.00, to offset a portion of the cost of paper and printing the pamphlet, must accompany the filing of each argument.

Arguments must be submitted by 5:00 p.m., Wednesday, August 7, 2013 at the following location:

Fountain Hills Town Clerk’s Office,
16705 E. Avenue of the Fountains, Fountain Hills, Arizona 85268

For more information, please call the Fountain Hills Town Clerk at (480) 816-5115.