

RESOLUTION NO. 9736

**RESOLUTION ORDERING AND CALLING A SPECIAL BOND ELECTION TO BE HELD IN AND FOR THE CITY OF MESA, ARIZONA, TO BE HELD IN CONJUNCTION WITH THE STATEWIDE GENERAL ELECTION ON NOVEMBER 2, 2010, TO SUBMIT TO THE QUALIFIED ELECTORS THEREOF THE QUESTION OF AUTHORIZING THE ISSUANCE AND SALE OF UTILITY SYSTEMS REVENUE BONDS OF THE CITY.**

**WHEREAS**, the Mayor and Council of the City of Mesa, Arizona (the "*City*"), believe it to be in the best interest of the City to authorize the issuance and sale of bonds of the City (the "*Bonds*") to complete the purposes set forth in the questions on the ballot; and

**WHEREAS**, it is necessary that the Mayor and Council submit the questions concerning the issuance and sale of Bonds to the qualified electors of the City;

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF MESA, ARIZONA:**

**Section 1.** A special bond election in the City is hereby ordered and called to be held on November 2, 2010 in conjunction with the Statewide general election, to submit to the qualified electors of the City the questions as shown on form of ballots attached hereto and marked *Exhibits A, B, C* and *D*. The maximum amount of the bonds to be issued shall be \$202,100,000 as described on the attached Exhibits. The bonds shall be payable solely from the revenues of the City's utility system, bear interest not exceeding 8% per annum, and pay principal over not more than 25 years from the date issued. The utility revenue 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 2.** This resolution ordering and calling the election shall be published in full at least once, not less than fifteen nor more than thirty days prior to the date of the election, in a newspaper published in the county and of general circulation in the municipality. The election will be held at polling places designated by the Maricopa County Elections Department and approved by the City at a later date, but prior to the aforementioned publication deadline. The list of polling places approved by the City (at a later date) shall be attached to and published with this resolution ordering and calling the election as an addendum.

**Section 3.** The election will be conducted and the poll lists kept, and the votes cast thereat shall be counted and tabulated and the returns thereof will be made in the manner provided by law and only persons will be allowed to vote at the election who are qualified electors of the City.

**Section 4.** The polls will be open from 6:00 a.m. and will close at 7:00 p.m. on November 2, 2010. Early voting will be permitted at the election in accordance with the provisions of Title 16, Chapter 4, Article 8, Arizona Revised Statutes, as amended.

**Section 5.** In order to comply with the Voting Rights Act of 1965, as amended, the following proceedings pertaining to this election will be translated into Spanish and posted, published and recorded in each instance where posting, publication and recording of such

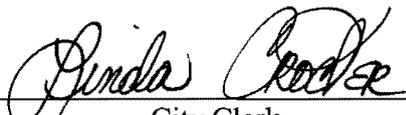
proceedings are required, to-wit: ballot, voter informational pamphlet, all early voting material and all instructions at the polls.

**Section 6.** The Clerk is hereby directed to cause ballots to be printed and delivered to the election boards to be furnished to the qualified electors offering to vote at the election. The Mayor, City Manager or Clerk is authorized and directed to enter into an intergovernmental agreement with the Maricopa County Recorder and/or the Maricopa County Elections Department to conduct the election.

**Section 7.** The Mayor and Council will meet at the Council Chambers within twenty days after the election date to canvass the returns of the election. The Mayor and Council will be governed by the vote of the majority on each question submitted.

**PASSED, ADOPTED AND APPROVED** by the Mayor and Council of the City of Mesa, Arizona, on July 1, 2010.

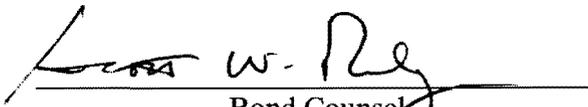
ATTEST:

  
\_\_\_\_\_  
City Clerk



  
\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Bond Counsel

**CERTIFICATION**

I, Linda Crocker, the duly appointed and acting City Clerk of the City of Mesa, Arizona, do hereby certify that the above and foregoing Resolution No. 9736 was duly passed by the City Council of the City of Mesa, Arizona, at a regular meeting held on July 1, 2010, and the vote was 7 aye's and 0 nay's and that the Mayor and 6 Council Members were present thereat.

  
\_\_\_\_\_  
City Clerk

**EXHIBIT A**

**FORM OF BALLOT QUESTION FOR WATER SYSTEM IMPROVEMENTS**

**WATER SYSTEM REVENUE BONDS**

Shall Mesa, Arizona, be authorized to issue and sell \$98,800,000 utility revenue bonds to provide funds to improve, extend and provide improvements for the City's water system inside or outside the City including treatment, pumping, storage, recharge, reclaiming and transmission facilities, buildings, equipment and other water properties of any kind, and pay costs thereof? The bonds shall be payable solely from the revenues of the City's utility system, bear interest not exceeding 8% per annum, and pay principal over not more than 25 years from the date issued. The utility revenue 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.

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

“Tag Line” language:

Shall Mesa be authorized to issue and sell \$98,800,000 utility revenue bonds to improve, extend and provide improvements for the City's water system?

**EXHIBIT B**

**FORM OF BALLOT QUESTION FOR WASTEWATER SYSTEM IMPROVEMENTS**

**WASTEWATER SYSTEM REVENUE BONDS**

Shall Mesa, Arizona, be authorized to issue and sell \$39,000,000 utility revenue bonds to provide funds to improve, extend and provide improvements for the City's wastewater system inside or outside the City including treatment, pumping, storage, effluent reuse and transmission facilities, buildings, equipment, furnishings and any other property of any kind, and pay costs thereof? The bonds shall be payable solely from the revenues of the City's utility system, bear interest not exceeding 8% per annum, and pay principal over not more than 25 years from the date issued. The utility revenue 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.

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

“Tag Line” language:

Shall Mesa be authorized to issue and sell \$39,000,000 utility revenue bonds to improve, extend and provide improvements for the City's wastewater system?

**EXHIBIT C**

**FORM OF BALLOT QUESTION FOR ELECTRIC SYSTEM IMPROVEMENTS**

ELECTRIC SYSTEM REVENUE BONDS

Shall Mesa, Arizona, be authorized to issue and sell \$15,900,000 utility revenue bonds to provide funds to improve, extend and provide improvements and betterments for the City's electrical system, including the transmission facilities, buildings, furnishings and equipment and any other property of any kind, and pay costs thereof? The bonds shall be payable solely from the revenues of the City's utility system, bear interest not exceeding 8% per annum, and pay principal over not more than 25 years from the date issued? The utility revenue 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.

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

“Tag Line” language:

Shall Mesa be authorized to issue and sell \$15,900,000 utility revenue bonds to improve, extend and provide improvements for the City's electrical system?

**EXHIBIT D**

**FORM OF BALLOT QUESTION FOR GAS SYSTEM IMPROVEMENTS**

**GAS SYSTEM REVENUE BONDS**

Shall Mesa, Arizona, be authorized to issue and sell \$48,400,000 utility revenue bonds to provide funds to improve, extend and provide improvements for the City's gas system inside or outside the City including pressure regulating, transmission and safety facilities, buildings, equipment and furnishings and any other property of any kind, and pay costs thereof? The bonds shall be payable solely from the revenues of the City's utility system, bear interest not exceeding 8% per annum, and pay principal over not more than 25 years from the date issued. The utility revenue 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.

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

“Tag Line” language:

Shall Mesa be authorized to issue and sell \$48,400,000 utility revenue bonds to improve, extend and provide improvements for the City's gas system?