

RESOLUTION NO. 8-24

A RESOLUTION OF THE CITY OF BURLEY, IDAHO, REPEALING AND REPLACING RESOLUTION 4-24, ORDERING AN ELECTION TO BE HELD FOR CITY REGISTERED ELECTORS IN MINIDOKA & CASSIA COUNTIES TO DETERMINE WHETHER THE LEVY UPON TAXABLE PROPERTY SHALL BE INCREASED BY THE SUM OF \$170,000.00 FOR EACH OF THE TAX YEARS 2024 AND 2025; PROVIDING THAT THE INCREASE BE USED FOR THE CONSTRUCTION, REPAIR, & MAINTENANCE OF CITY STREETS AND THE CITY STREET DEPARTMENT; ESTABLISHING A DATE, TIME, AND PLACE OF THE ELECTION; PROVIDING A FORM OF BALLOT; APPROVING A FORM OF NOTICE OF ELECTION; AND PROVIDING FOR RELATED MATTERS.

WHEREAS the Burley City Streets Department and the construction, repair, and maintenance of City streets is funded out of the general revenues of the City of Burley; and

WHEREAS the City has shown the need for an additional One Hundred Seventy Thousand and no/100 Dollars (\$170,000.00) per year in its budget to provide for the continued construction, repair, maintenance, and costs of supplies, equipment, materials, and personnel related thereto; and

WHEREAS the City anticipates levying the maximum allowed by law for the tax years 2024 and 2025; and

WHEREAS an override levy will be required to produce One Hundred Seventy Thousand and no/100 Dollars (\$170,000.00) per year for each of the tax years 2024 and 2025 for the continued construction, repair, maintenance, and costs of supplies, equipment, materials, and personnel related thereto; and

WHEREAS Idaho Code § 63-802(3) authorizes a two-year override levy if approved by a majority of the taxing district's electors voting on the question at an election called for that purpose; and

WHEREAS the Burley City Council passed Resolution 4-24 on February 20, 2024, ordering an election to be held for City of Burley Electors to determine whether the levy upon taxable property within the City shall be increased by the sum of \$170,000.00 for each of the tax years 2024 and 2025, and the Burley City Council desires to update and correct information set forth in Resolution 4-24 regarding the estimated tax per \$100,000.00 of taxable assessed value if the proposed levy is approved;

NOW, THEREFORE,

BE IT RESOLVED by the Council and Mayor of the City of Burley:

Resolution 4-24 passed by the Burley City Council on February 20, 2024 is hereby repealed and replaced by this Resolution 8-24 which provides as follows:

Section 1: An election is hereby called to be held within the City of Burley on May 21, 2024, for the purpose of submitting to the qualified electors of the City of Burley the question set forth in the form of ballot appearing in Section 7 hereof.

Section 2: Said election shall be held in accordance with Idaho Code §§ 63-802(3) and 34-106, and with the Notice of Election attached and incorporated hereto as “Exhibit A.” The ballot proposition to be voted upon at the special election shall be separate from any other measure that might be voted upon on said date and only those qualified electors casting valid ballots upon the proposition set forth herein shall be counted in determining whether the proposition has been approved.

Section 3: The polls of said election shall be open at the hour of 8:00 o’clock A.M. on May 21, 2024, unless the County Clerks of Cassia and/or Minidoka Counties opt to open the polls at 7:00 o’clock A.M., and shall remain open until all registered electors of the City of Burley have appeared and voted, or until 8:00 o’clock P.M. of the same day, whichever occurs first. The polling places for electors of the City of Burley shall be those polling places designated as precinct voting stations by Cassia County and Minidoka County election officials pursuant to Idaho Code.

The polling places shall operate according to Idaho law under the direction of the Cassia County Clerk and Minidoka County Clerk for electors and precincts in their respective counties. All election officials shall take an oath to faithfully perform his or her duties.

Section 4: Any qualified and registered elector of the City of Burley may vote by absentee ballot in the manner provided by Title 34, Chapter 10, Idaho Code. Applications for absentee ballot shall be in writing; contain the name of the elector, his or her home address, county, and the address to which such ballot shall be forwarded; and shall be signed personally by the applicant. Mail in applications for absentee ballots shall be made to the Cassia County Clerk or Minidoka County Clerk so as to be received no later than 5:00 o’clock P.M. on May 10, 2024. In person applications for absentee ballots shall be made to the Cassia County Clerk or Minidoka County Clerk so as to be received no later than 5:00 o’clock P.M. on May 17, 2024. To be counted, all absentee ballots must be received by the Cassia County Clerk or Minidoka County Clerk by 8:00 o’clock P.M. on the day of the election, May 21, 2024.

Section 5: Each person voting at such election shall be, at the time of the election, a qualified elector of the City of Burley within the meaning of Article 6, Section 2 of the Idaho Constitution and § 34-402, Idaho Code, eighteen (18) years of age or older, properly registered, and a citizen of the United States who has resided in the State of Idaho and in the City of Burley for at least thirty (30) days preceding the election. The last day for in-person absentee voting is May 17, 2024, at 5:00 o’clock P.M.

Section 6: Electors must, in order to vote at the election, be registered to vote according to the registration records of Cassia County or Minidoka County, Idaho, as required by Idaho Code based on the county in which the elector lives.

Any individual who is eligible to vote may register in the manner provided for by Idaho Code. The deadline to pre-register to vote with the elector's respective county clerk is 5:00 o'clock P.M. on April 26, 2024, for paper applications and midnight on April 26, 2024 for online applications.

Any person who is eligible to vote may register on election day. In order to register and vote on Election Day you must:

1. Appear in person
2. Have one (1) of the following forms of Photo Identification.
 - a) A current driver's license or identification card issued pursuant to title 49, Idaho Code;
 - b) A current passport or other identification card issued by an agency of the United States government;
 - c) A current tribal identification card; or
 - d) A current license or enhanced license to carry concealed weapons issued under section 18-3302, Idaho Code, or section 18-3302K, Idaho Code.
3. Have one (1) of the following forms of residence verification.
 - a. Any form of photo identification listed above with your current address on it;
 - b. A current proof of insurance;
 - c. A deed of trust, mortgage, or lease or rental agreement;
 - d. A property tax assessment, bill, or receipt;
 - e. A utility bill, excluding a cellular telephone bill;
 - f. A bank or credit card statement;
 - g. A paystub, paycheck, or government-issued check;
 - h. An intake document from a residential care or assisted living facility licensed pursuant to the provisions of chapter 33, title 39, Idaho Code;
 - i. Enrollment papers issued for the current school year by a high school or an accredited institution of higher education located within the state of Idaho; or a communication on letterhead from a public or private social service agency registered with the secretary of state verifying the applicant is homeless and attesting to the applicant's residence for registration purposes. [§34-411, Idaho Code]

Section 7: The ballot proposition for the said election shall be in substantially the following form:

OFFICIAL BRIEF STATEMENT:

The purpose for which the levy shall be used is the continued construction, repair, and maintenance of City of Burley streets and costs of equipment, materials, and personnel related thereto. The date of the election is May 21, 2024. The dollar amount estimated to be collected each year from the levy is \$170,000.00 for each of the tax years 2024 and 2025. The length of time in which the proposed levy will be assessed is two years. The estimated average annual cost to the taxpayer of the proposed levy is a tax of \$14.13 per \$100,000 of taxable assessed value, per year, based on current conditions. The proposed levy replaces an existing levy that will expire on December 31, 2023, and that currently costs \$14.13 per \$100,000 of taxable assessed value. If the proposed levy is approved, the estimated tax per \$100,000 of taxable assessed value

is not expected to change.

CITY OF BURLEY
Cassia County and Minidoka County, Idaho
ELECTION MAY 21, 2024

SHALL THE LEVY UPON THE TAXABLE PROPERTY WITHIN THE CITY OF BURLEY BE INCREASED TO PRODUCE THE SUM OF ONE HUNDRED SEVENTY THOUSAND AND NO/100 DOLLARS (\$170,000.00) IN EXCESS OF THAT OTHERWISE ALLOWED BY LAW, FOR EACH OF THE TAX YEARS 2024 AND 2025, TO PROVIDE ADDITIONAL FUNDING FOR THE CITY OF BURLEY STREETS DEPARTMENT AND THE CONTINUED CONSTRUCTION, REPAIR, AND MAINTENANCE OF CITY OF BURLEY STREETS AND COSTS OF EQUIPMENT, MATERIALS, AND PERSONNEL RELATED THERETO AS PROVIDED IN RESOLUTION NO. 8-24 OF THE BURLEY CITY COUNCIL ADOPTED ON THE 11TH DAY OF MARCH, 2024?

INSTRUCTIONS: Vote on the foregoing proposition by placing an X in the box to the right of your choice.

IN FAVOR OF increasing the levy by One Hundred Seventy
Thousand and no/100 Dollars (\$170,000.00) for each of the tax
years 2024 and 2025 ☐

AGAINST increasing the levy by One Hundred Seventy
Thousand and no/100 Dollars (\$170,000.00) for each of the tax
years 2024 and 2025..... ☐

Section 8: Notice of said election shall be given prior to said election by publishing the notice of such election at least twice in a newspaper having general circulation within the City of Burley, the first publication being at least twelve (12) days prior to the election and the last publication being not less than five (5) days prior to the election, which notice shall substantially be in the form attached hereto as Exhibit A.

Section 9: If, at said election, the majority of the voters required under Idaho Code § 63-802(3) vote to approve, the levy on the taxable property within the City of Burley will increase by the amount necessary to produce additional tax revenues in the sum of One Hundred Seventy Thousand and no/100 Dollars (\$170,000.00) in excess of that otherwise allowed by law, for each of the tax years 2024 and 2025.

Section 10: Election officials for the voting places specified above shall meet immediately following the closing of the polls for the purpose of counting the ballots cast at the election, making the count in public view, and shall immediately thereafter make return to the Burley City Council, including all electors' oaths, poll books, election registers, and all ballots cast, under seal. The Burley City Council shall thereupon canvass such returns at a special meeting to

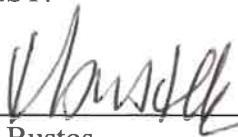
be held for that purpose at the regular meeting place of the Burley City Council at a special meeting called for that purpose or at its next regular meeting. Thereupon, the results shall be entered in the minutes of the Burley City Council and proclaimed as final.

DATED this 11th day of March, 2024.

PASSED 03/11/2024

APPROVED 03/12/2024

ATTEST:


Tracy Bustos
City Clerk




Steve Ormond
Mayor

EXHIBIT A

**CITY OF BURLEY
(CASSIA COUNTY & MINIDOKA COUNTY)
NOTICE OF ELECTION
MAY 21, 2024**

NOTICE IS HEREBY GIVEN that, pursuant to Resolution No. 8-24 adopted by the Burley City Council on March 11, 2024, an election will be held in the City of Burley on Tuesday, May 21, 2024, between the hours of 8:00 o'clock A.M. and 8:00 o'clock P.M. for the purpose of voting upon the question and proposition of increasing the levy on the taxable property within the City of Burley by the amount necessary to produce the sum of One Hundred Seventy Thousand and no/100 Dollars (\$170,000.00) in excess of that otherwise allowed by law, for each of the tax years 2024 and 2025, to provide additional funding for the City of Burley Streets Department and the continued construction, repair, and maintenance of city streets and the costs of materials, equipment, and personnel related thereto as provided in Resolution 8-24 of the Burley City Council adopted on the 11th day of March, 2024.

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

OFFICIAL BRIEF STATEMENT:

The purpose for which the levy shall be used is the continued construction, repair, and maintenance of City of Burley streets and costs of equipment, materials, and personnel related thereto. The date of the election is May 21, 2024. The dollar amount estimated to be collected each year from the levy is \$170,000.00 for each of the tax years 2024 and 2025. The length of time in which the proposed levy will be assessed is two years. The estimated average annual cost to the taxpayer of the proposed levy is a tax of \$14.13 per \$100,000 of taxable assessed value, per year, based on current conditions. The proposed levy replaces an existing levy that will expire on December 31, 2023 and that currently costs \$14.13 per \$100,000 of taxable assessed value per year. If the proposed levy is approved, the estimated tax per \$100,000 of taxable assessed value is not expected to change.

**CITY OF BURLEY
Cassia County and Minidoka County, Idaho
ELECTION MAY 21, 2024**

SHALL THE LEVY UPON THE TAXABLE PROPERTY WITHIN THE CITY OF BURLEY BE INCREASED TO PRODUCE THE SUM OF ONE HUNDRED SEVENTY THOUSAND AND NO/100 DOLLARS (\$170,000.00) IN EXCESS OF THAT OTHERWISE ALLOWED BY LAW, FOR EACH OF THE TAX YEARS 2024 AND 2025, TO PROVIDE ADDITIONAL FUNDING FOR THE CITY OF BURLEY STREETS DEPARTMENT AND THE CONTINUED CONSTRUCTION, REPAIR, AND MAINTENANCE OF CITY OF BURLEY STREETS AND COSTS OF EQUIPMENT, MATERIALS, AND PERSONNEL RELATED THERETO AS PROVIDED IN RESOLUTION NO. 8-24 OF THE BURLEY CITY COUNCIL ADOPTED ON THE 11TH DAY OF MARCH, 2024?

INSTRUCTIONS: Vote on the foregoing proposition by placing an X in the box to the right of your choice.

IN FAVOR OF increasing the levy by One Hundred Seventy Thousand and no/100 Dollars (\$170,000.00) for each of the tax years 2024 and 2025 ☐

AGAINST increasing the levy by One Hundred Seventy Thousand and no/100 Dollars (\$170,000.00) for each of the tax years 2024 and 2025..... ☐

Qualified electors shall vote at precinct polling stations designated by Cassia County and Minidoka County for the respective electors residing in each county.

The ballot proposition to be voted upon at the special election shall be separate from any other measure that might be voted upon on said date and only those qualified electors casting valid ballots upon the proposition set forth herein shall be counted in determining whether the proposition has been approved as required by Idaho Code § 63-802(3).

Qualified electors eighteen (18) years of age or older who have resided in the State of Idaho and in the City of Burley for at least thirty (30) days next preceding the election, if registered as required by law, and no others, will be permitted to vote at said special election.

The Clerks of Cassia County and Minidoka County, Idaho, are the Registrars of said City of Burley dependent on whether the elector lives in Cassia County or Minidoka County and the respective place of registration for such elections is the Cassia County Courthouse, 1459 Overland Avenue, Burley, Idaho, and the Minidoka County Courthouse, 715 G Street, Rupert, Idaho. Electors may preregister at the Cassia County Courthouse or Minidoka County Courthouse until April 26, 2024, at 5:00 o'clock P.M. per Idaho Code § 34-408.

Any person who is eligible to vote may register on election day. In order to register and vote on Election Day you must:

1. Appear in person
2. Have one (1) of the following forms of Photo Identification.
 - a) A current driver's license or identification card issued pursuant to title 49, Idaho Code;
 - b) A current passport or other identification card issued by an agency of the United States government;
 - c) A current tribal identification card; or
 - d) A current license or enhanced license to carry concealed weapons issued under section 18-3302, Idaho Code, or section 18-3302K, Idaho Code.
3. Have one (1) of the following forms of residence verification.
 - a. Any form of photo identification listed above with your current address on it;
 - b. A current proof of insurance;
 - c. A deed of trust, mortgage, or lease or rental agreement;

- d. A property tax assessment, bill, or receipt;
- e. A utility bill, excluding a cellular telephone bill;
- f. A bank or credit card statement;
- g. A paystub, paycheck, or government-issued check;
- h. An intake document from a residential care or assisted living facility licensed pursuant to the provisions of chapter 33, title 39, Idaho Code;
- i. Enrollment papers issued for the current school year by a high school or an accredited institution of higher education located within the state of Idaho; or a communication on letterhead from a public or private social service agency registered with the secretary of state verifying the applicant is homeless and attesting to the applicant's residence for registration purposes. [§34-411, Idaho Code]

Any individual who is eligible to vote may register by mail for said special election in the manner provided for by § 34-410, Idaho Code.

Any qualified and registered elector of the City of Burley may vote by absentee ballot in the manner provided by Title 34, Chapter 10, Idaho Code. Applications for absentee ballot shall be in writing; contain the name of the elector, his or her home address, county, and the address to which such ballot shall be forwarded; and shall be signed personally by the applicant. Mail in applications for absentee ballots shall be made to the Cassia County Clerk or Minidoka County Clerk so as to be received no later than 5:00 o'clock P.M. on May 10, 2024. In person applications for absentee ballots shall be made to the Cassia County Clerk or Minidoka County Clerk so as to be received no later than 5:00 o'clock P.M. on May 17, 2024. To be counted, all absentee ballots must be received by the Cassia County Clerk or Minidoka County Clerk by 8:00 o'clock P.M. on the day of the election, May 21, 2024.

The deadline for in-person absentee voting is May 17, 2024, at 5:00 o'clock P.M.

If, at said election, the majority of the voters required by Idaho Code § 63-802(3) vote to approve, the levy on the taxable property within the City of Burley will increase by the amount necessary to produce additional tax revenues in the sum of One Hundred Seventy Thousand and no/100 Dollars (\$170,000.00) in excess of that otherwise allowed by law, for each of the tax years 2024 and 2025.