

RESOLUTION NO. 11-05

OF THE MCCALL CITY COUNCIL, AUTHORIZING LEGAL COUNSEL TO PROCEED WITH JUDICIAL CONFIRMATION PROCEEDINGS REGARDING A SETTLEMENT WITH PAYETTE LAKES RECREATIONAL WATER AND SEWER DISTRICT; AUTHORIZING THE MAYOR AND OTHERS TO EXECUTE ALL NECESSARY DOCUMENTS FOR THE JUDICIAL PROCESS; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND PROVIDING AN EFFECTIVE DATE.

This Resolution is made on the date hereinafter set forth by the City of McCall, Idaho (the "City") a municipal corporation operating and existing under and by virtue of the laws of the State of Idaho;

WHEREAS, the City Council of the City has received a recommendation for the filing of a Joint Petition for Judicial Confirmation of Settlement Agreement between the City of McCall and the Payette Lakes Recreational Water & Sewer District, for the purpose of seeking confirmation of certain long term liabilities related to the Settlement Agreement entered into between the City and the Payette Lakes Recreational Water & Sewer District with respect to Valley County Case No. CV-2005-352-C (the "Settlement Agreement"); and

WHEREAS, Counsel has drafted a petition (the "Petition") for judicial confirmation under Title 7, Chapter 13, Idaho Code, as amended (the "Judicial Confirmation Law") to determine the validity of the liabilities created by the Settlement Agreement, and a copy of the Petition has been presented to the City Council; and

WHEREAS, on April 5, 2011, the City Council held a public hearing on whether it should adopt this resolution authorizing the filing of a petition for judicial confirmation pursuant to the Judicial Confirmation Law after publication of a Notice of said hearing at least 15 days before said hearing as required by said Judicial Confirmation Law.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council, City of McCall, as follows:

1. That the filing of the proposed Joint Petition under the Judicial Confirmation Law is hereby approved and authorized.
2. That the Mayor, City Manager, and counsel are hereby directed to proceed with the filing of the judicial confirmation proceedings authorized herein.
3. The Mayor, City Manager and counsel are hereby authorized to execute any documents necessary to accomplish the said judicial confirmation.
4. That this Resolution shall become effective immediately upon its adoption.

The foregoing Resolution was unanimously adopted at a duly called meeting of the City Council of the City of McCall on April 19, 2011.



City of McCall

By:
Its:

Donald C. Bailey

Mayor Donald C. Bailey

Attest:

By:
Its:

Bessie Jo Wagner

City Clerk Bessie Jo Wagner

RESOLUTION

OF THE PAYETTE LAKES RECREATIONAL WATER AND SEWER DISTRICT, AUTHORIZING LEGAL COUNSEL TO PROCEED WITH JUDICIAL CONFIRMATION PROCEEDINGS REGARDING A SETTLEMENT WITH THE CITY OF MCCALL; AUTHORIZING THE CHAIRMAN OF THE DISTRICT BOARD AND OTHERS TO EXECUTE ALL NECESSARY DOCUMENTS FOR THE JUDICIAL PROCESS; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND PROVIDING AN EFFECTIVE DATE.

This Resolution is made on the date hereinafter set forth by the Payette Lakes Recreational Water and Sewer District (the "District") a recreational water and sewer district operating and existing under and by virtue of Title 42, Chapter 32 of the Idaho Code;

WHEREAS, the District Board of Directors has received a recommendation from District Counsel for the filing of a Joint Petition for Judicial Confirmation of Settlement Agreement between the City of McCall and the District, for the purpose of seeking confirmation of certain long term liabilities related to the Settlement Agreement entered into between the City and the District with respect to Valley County Case No. CV-2005-352-C (the "Settlement Agreement"); and

WHEREAS, District Counsel has drafted a petition (the "Petition") for judicial confirmation under Title 7, Chapter 13, Idaho Code, as amended (the "Judicial Confirmation Law") to determine the validity of the liabilities created by the Settlement Agreement, and a copy of the Petition has been presented to the District Board of Directors; and


WHEREAS, on April 5, 2011, the District held a public hearing on whether it should adopt this resolution authorizing the filing of a petition for judicial confirmation pursuant to the Judicial Confirmation Law after publication of a Notice of said hearing at least 15 days before said hearing as required by said Judicial Confirmation Law.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Board of Directors of the Payette Lakes Recreational Water and Sewer District, as follows:

1. That the filing of the proposed Joint Petition under the Judicial Confirmation Law is hereby approved and authorized.
2. That the Chairman and Secretary of the District Board of Directors, together with District Counsel, are hereby directed to proceed with the filing of the judicial confirmation proceedings authorized herein.
3. The Chairman and Secretary of the District Board of Directors, together with District Counsel, are hereby authorized to execute any documents necessary to accomplish the said judicial confirmation.
4. That this Resolution shall become effective immediately upon its adoption.

The foregoing Resolution was unanimously adopted at a duly called meeting of the Board of Directors of the Payette Lakes Recreational Water and Sewer District on April 19, 2011.

PAYETTE LAKES RECREATIONAL WATER AND SEWER DISTRICT

By: 
Its: Jerry Vevig, Board Chairman

Attest:

By: 
Its: Jamie Melbo, District Secretary