

CITY OF KALAMA, WASHINGTON

ORDINANCE NO. 1387

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KALAMA, WASHINGTON, PROVIDING FOR THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY AT A SPECIAL ELECTION TO BE HELD ON NOVEMBER 7, 2017, OF A PROPOSITION AUTHORIZING THE CITY TO ISSUE GENERAL OBLIGATION BONDS FOR THE PURPOSE OF PAYING COSTS OF DESIGNING, CONSTRUCTING, DEVELOPING, IMPROVING AND EQUIPPING POLICE AND PUBLIC SAFETY FACILITIES IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$2,200,000, OR SO MUCH THEREOF AS MAY BE ISSUED UNDER THE LAWS GOVERNING THE INDEBTEDNESS OF CITIES, AND TO LEVY THOSE EXCESS PROPERTY TAXES, ALL AS MORE PARTICULARLY SET FORTH HEREIN.

WHEREAS, the Kalama Police Department (the “Department”) is a full-service, 24-hour police department serving the City of Kalama, Washington (the “City”); and

WHEREAS, the Department has been without adequate police facilities as a result of the damages caused by a flood that occurred in December 2015, and since that time the Department has been headquartered in a substandard location; and

WHEREAS, the City Council has identified a potential site on City-owned property on which a suitable police facility may be constructed; and

WHEREAS, in order to pay the costs of designing, constructing, developing, improving and equipping a police and public safety facility, it is deemed necessary and advisable by the City Council that the City issue and sell one or more series of its unlimited tax general obligation bonds in the principal amount of not to exceed \$2,200,000 (the “Bonds”); and

WHEREAS, the Constitution and laws of the State of Washington provide that the question of whether such Bonds may be issued and sold for such purposes and taxes levied to pay such Bonds must be submitted to the qualified electors of the City for their ratification or rejection;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KALAMA, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Findings. The City Council hereby finds that the best interests of the residents of the City require the City to design, construct, develop, improve and equip police and public safety facilities (the “Project”), at the time, in the order and in the manner deemed most necessary and advisable by the City Council. The total cost of the portion of the Project to be financed with proceeds of the Bonds is not expected to exceed \$2,200,000.

The cost of all necessary appraisals, negotiation, closing, architectural, engineering, financial, legal and other consulting services, inspection and testing, demolition, administrative and relocation expenses and other costs incurred in connection with the foregoing capital improvements shall be deemed a part of the capital costs of such Project. Such Project shall be complete with all necessary equipment and appurtenances.

The City Council shall determine the exact specifications for the Project, and the components thereof, as well as the timing, order and manner of completing the components of the Project. The City Council may alter, make substitutions to, and amend the Project as it determines are in the best interests of the City and consistent with the general descriptions provided herein after holding a public hearing and adopting an ordinance amending this ordinance. The City Council shall determine the application of moneys available for the Project so as to accomplish, as nearly as may be, all of the Project.

If the City Council shall determine that it has become impractical to design, construct, improve, renovate, develop, or equip all or any component of the Project by reason of changed conditions, incompatible development, costs substantially in excess of the amount of Bond proceeds or tax levies estimated to be available, or acquisition by a superior governmental authority, the City shall not be required to provide such component or components. If all of the Project has been constructed or acquired or duly provided for, or found to be impractical, the City may apply the Bond proceeds (including earnings thereon) or any portion thereof to other public safety capital purposes after holding a public hearing and adopting an ordinance amending this ordinance, or to the redemption of the Bonds as the Board, in its discretion, shall determine.

In the event that the proceeds from the sale of the Bonds, plus any other money of the City legally available therefor, are insufficient to accomplish all of the Project, the City shall use the available funds for paying the cost of those portions of the Project deemed by the City Council most necessary and in the best interest of the City.

Section 2. Authorization of Bonds. For the purpose of providing a portion of the funds necessary to pay the costs of the Project, together with incidental costs and costs of issuance of the Bonds, the City shall issue and sell its unlimited tax general obligation bonds in the aggregate principal amount of not to exceed \$2,200,000 (the "Bonds"). The Bonds shall be issued in an amount not exceeding the amount approved by the electors of the City and not exceeding the amount permitted by the constitution and laws of the State of Washington. The balance of the cost of the Project shall be paid out of any other legally available funds. The Bond proceeds (and earnings thereon) shall be used to pay the costs of the Project, together with incidental costs and costs related to the sale and issuance of the Bonds, and shall not be used for the replacement of equipment or for a purpose other than a capital purpose.

Section 3. Details of the Bonds. The Bonds provided for in Section 2 hereof shall be issued in such amounts and at such time or times as deemed necessary and advisable by the City Council and as permitted by law. The Bonds may be issued in one or more series and shall bear interest payable at a rate or rates authorized by the City Council. The Bonds shall mature in such amounts and at such times within a maximum term of 30 years from date of issue of a series, all as authorized by the City Council and as provided by law. The Bonds shall be unlimited tax general obligations of the City and, unless paid from other sources, both principal of and interest on the

Bonds shall be payable out of annual tax levies to be made upon all the taxable property within the City without limitation as to rate or amount and in excess of any constitutional or statutory tax limitations. The exact date, form, terms, maturities, covenants and manner of sale of the Bonds shall be as hereafter fixed by ordinance or ordinances of the City Council. After voter approval of the Bond proposition and in anticipation of the issuance of such Bonds, the City may issue short-term obligations as authorized by chapter 39.50 RCW. The proceeds of the Bonds may be used to redeem and retire short-term obligations or to reimburse the City for expenditures previously made for such Project.

Section 4. Bond Election. It is hereby found that the best interests of the inhabitants of the City require the submission to the qualified electors of the City of a proposition authorizing the City to issue Bonds for the purposes of funding the Project, at a special election to be held on November 7, 2017. The Cowlitz County Auditor is hereby requested to assume jurisdiction of and to call and conduct the election to be held within the City and to submit to the qualified electors of the City the proposition hereinafter set forth.

The City Clerk is hereby authorized and directed, prior to August 1, 2017, to certify the proposition to the Cowlitz County Auditor in substantially the following form:

CITY OF KALAMA PROPOSITION NO. 1

GENERAL OBLIGATION BONDS
POLICE AND PUBLIC SAFETY FACILITIES

The City Council of the City of Kalama, Washington, adopted Ordinance No. 1387 concerning a proposition for police and public safety facilities. If approved, this proposition authorizes the City to design, construct, develop, improve and equip police and public safety facilities; issue \$2,200,000 of general obligation bonds with a maximum of 30 years to pay a portion of the costs of the project; and levy annual excess property taxes to repay the bonds, as provided in Ordinance No. 1387.

Should this proposition be approved:

YES?

NO?

Certification of this proposition by the City Clerk to the Cowlitz County Auditor in accordance with law, prior to the date of such election, and any other acts consistent with the authority, and prior to the effective date, of this ordinance, are hereby ratified.

Section 5. Voter's Pamphlet. The City Council hereby authorizes the City's participation in the local voters' pamphlet for the November 7, 2017 election and requests that the Cowlitz County Auditor prepare and publish a voter's pamphlet for the proposition set forth herein. The pamphlet shall include an explanatory statement and statements in favor of and in opposition to the ballot title. The preparation of the explanatory statement, the appointment of pro/con committees and the preparation of statements in favor of and in opposition to the ballot title shall be in accordance with chapter 29A.32 RCW and the administrative rules adopted by the Cowlitz County Auditor pursuant to Cowlitz County Code § 1.08.020, as applicable. The City understands and agrees that it will be required to pay its proportionate share of the expenses of the voters' pamphlet and authorizes funds to be used for such purpose.

Section 6. Ratification. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and confirmed.

Section 7. Effective Date. This ordinance shall take effect five days after its passage, approval and publication as provided by law.

Adopted by the City Council of the City of Kalama, Washington, at a special meeting thereof held this 26th day of July, 2017.

CITY OF KALAMA, WASHINGTON

Ron Poulsen, Mayor

ATTEST/AUTHENTICATED:

Coni McMaster, City Clerk/Treasurer

Approved as to form:

Pacifica Law Group LLP

Date of Publication: _____

Effective Date: _____

CERTIFICATE

I, the undersigned, City Clerk of the City of Kalama, Washington, and keeper of the records of the City Council, DO HEREBY CERTIFY:

1. That the attached Ordinance is a true and correct copy of Ordinance No. 1387 of the City (the "Ordinance"), as finally adopted at a special meeting of the City Council held on July 26, 2017, and duly recorded in my office.

2. That said meeting was duly convened and held in all respects in accordance with law, and due and proper notice of such special meeting was given; that quorum of the City Council was present throughout the meeting and a legally sufficient number of members of the City Council voted in the proper manner for the adoption of said Ordinance; that all other requirements and proceedings incident to the proper adoption or passage of said Ordinance have been duly fulfilled, carried out and otherwise observed, and that I am authorized to execute this certificate.

Dated this 26th day of July, 2017.

CITY OF KALAMA, WASHINGTON

Coni McMaster, City Clerk/Treasurer