



City of Tukwila

Washington

Ordinance No. 2509

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, PROVIDING FOR THE SUBMISSION TO THE VOTERS OF THE CITY AT A SPECIAL ELECTION TO BE HELD IN CONJUNCTION WITH THE STATEWIDE GENERAL ELECTION ON NOVEMBER 8, 2016, OF A PROPOSITION AUTHORIZING THE CITY TO ISSUE ITS GENERAL OBLIGATION BONDS FOR THE PURPOSE OF PAYING A PORTION OF THE COST OF THE TUKWILA PUBLIC SAFETY PLAN, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$77,385,000, PAYABLE BY ANNUAL PROPERTY TAX LEVIES TO BE MADE IN EXCESS OF REGULAR PROPERTY TAX LEVIES, AND TO LEVY THOSE EXCESS PROPERTY TAXES, ALL AS MORE PARTICULARLY SET FORTH HEREIN; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, HEREBY ORDAINS AS FOLLOWS:

Section 1. Findings and Determinations. The City Council of the City of Tukwila, Washington (the "City"), makes the following findings and determinations:

A. The City Council of the City has determined that it is in the best interest of the City to implement its Public Safety Plan, which includes replacing three seismically-deficient fire stations that have met their useful life, guaranteeing that the Tukwila Fire Department has the funding for critical items such as fire trucks and other life/safety equipment as necessary, and constructing a justice center to hold the Tukwila Police Department and Municipal Court, to ensure the continuity and improvement of City services (collectively, the "Project"), and the City does not currently have sufficient funds available for that purpose.

B. The City Council wishes to seek voter approval for the issuance and sale of general obligation bonds of the City in a principal amount not to exceed \$77,385,000 to pay a portion of the costs of the Project and the costs of issuance of the bonds, to be paid by an annual excess property tax levy (the "Bonds").

C. The constitution and laws of the State of Washington provide that the question of whether or not the City may issue the Bonds and levy excess property taxes be submitted to the qualified electors of the City for their ratification or rejection at a special election.

Section 2. The Project.

A. The City Council finds that it is in the best interest of the City to carry out the Project. The Project shall include all necessary equipment and appurtenances, but shall not include the replacement of equipment. The cost of all necessary architectural, engineering, legal and other consulting services, inspection and testing, administrative expenses, new construction and site improvements, demolition, on- and off-site utilities, related improvements and other costs incurred in connection with the Project shall be deemed a part of the costs of such capital improvements. The City Council may modify the details of the Project where necessary or advisable in the judgment of the City Council, with input from the City's bond financial oversight committee (the "Financial Oversight Committee").

B. The estimated cost of the Project, including the costs of issuing and selling the Bonds ordinance, is declared to be at least \$77,385,000. The economic life of the Project is expected to be at least 20 years.

Section 3. Description of Bonds. The Bonds may be issued as a single issue or as part of a combined issue with other authorized bonds, and in more than one series, all as deemed advisable by the City Council and as permitted by law. The Bonds shall be fully registered bonds, bearing interest payable as permitted by law and maturing within 20 years after the date of issue, or within any shorter period fixed by the City Council. The Bonds shall be paid by annual property tax levies sufficient in amount to pay principal and interest when due, which annual property tax levies shall be made in excess of regular property tax levies without limitation as to rate or amount but only in amounts sufficient to pay such principal and interest when due. The Bonds shall be issued and sold in such manner, at such times and in such amounts as shall be required for the purpose for which the Bonds are to be issued. The exact date, form, terms, options of prior redemption, price, interest rate or rates and maturities of the Bonds shall be hereafter fixed by ordinance of the City Council. Pending the issuance of the Bonds, the City may issue short-term obligations pursuant to Chapter 39.50 RCW or such other obligations as are permitted by law to pay costs of the Project. Such obligations and their costs may be paid or refunded with proceeds of the Bonds when issued.

Section 4. Proceeds of the Bonds. If available money from the proceeds of the Bonds is more than sufficient to pay the costs of the Project, or if the City Council determines that state or local circumstances require any alteration in the Project, the City may acquire, construct, equip and make other capital improvements to the City's facilities, or retire and/or defease a portion of the Bonds, all as the City Council may determine and as permitted by law. If the proceeds of the sale of the Bonds and other available money are insufficient to make all of the capital improvements herein provided

for, or if it has become impractical to accomplish the Project or any portion of the Project, the City may use the proceeds of the Bonds and other available money for paying the costs of that portion of the Project deemed by the City Council to be most necessary and in the best interest of the City.

Section 5. Financial Oversight Committee.

A. If the ballot proposition submitted by this ordinance is approved by the qualified voters of Tukwila, a Financial Oversight Committee shall be appointed by the City Council within six months following approval. The Financial Oversight Committee shall consist of a minimum of five members comprising two residents, two members from the business community, and one individual from a non-profit organization located in the City. The term of appointment for each member of the Financial Oversight Committee shall be two years. However, in order to have staggered terms, one resident and one business member of the Financial Oversight Committee will initially be appointed for three years and thereafter all terms of appointment will be for two years. The Financial Oversight Committee shall continue in existence for the economic life of the Project.

B. The Financial Oversight Committee shall review the allocation of bond proceeds and progress on achieving the purposes of this proposition, and shall report at least semi-annually to the City Council on the same. The annual report shall be filed in paper and electronic form with the City Clerk. The Financial Oversight Committee may elect officers and establish rules of procedure. Financial Oversight Committee members shall serve without compensation and may be removed by the City Council following absence without cause from two or more meetings. The City Council may prescribe by ordinance or resolution such other rules relating to the appointment process and the operation of the Financial Oversight Committee as shall be necessary or appropriate.

Section 6. Calling of Election.

A. The City Council requests that the Elections Director of King County, Washington (the "Director"), call and conduct a special election in the City, in the manner provided by law, to be held therein in conjunction with the statewide general election on November 8, 2016, for the purpose of submitting to the voters of the City, for their approval or rejection, the question of whether or not general obligation bonds of the City shall be issued in a principal amount not to exceed \$77,385,000 (or such lesser maximum amount as may be legally issued under the laws governing the limitation of indebtedness), the proceeds of which shall be expended to pay costs of the Project and costs of issuance of the Bonds, and annual excess property taxes shall be levied to pay principal of and interest on the Bonds when due. The proceeds of the Bonds shall be used for capital purposes only, which shall not include the replacement of equipment.

B. If this proposition is approved by the requisite number of voters, the City will be authorized to issue and sell the Bonds in the manner described in this ordinance, to spend the proceeds thereof to pay costs of the Project and costs of issuance of the Bonds, and to levy excess property taxes to principal of and interest on the Bonds when due.

Section 7. Ballot Proposition.

A. The City Clerk (or his or her designee) is authorized and directed to certify, no later than 4:30 p.m. on August 2, 2016, to the Director, a copy of this ordinance and the proposition to be submitted at that election in the form of ballot title prepared by the City Attorney pursuant to RCW 29A.36.071, as follows:

PROPOSITION NO. _____

CITY OF TUKWILA, WASHINGTON

PUBLIC SAFETY BONDS

The Tukwila City Council passed Ordinance No. _____ concerning financing its Public Safety Plan. If approved, this proposition would replace three fire stations, fund life/safety equipment for the Tukwila Fire Department, construct a police/court justice center and establish a financial oversight committee by authorizing issuance of general obligation bonds not to exceed \$77,385,000 (maturing within 20 years), and would authorize the annual levy of excess property taxes to pay the bonds, all as provided in Ordinance No. _____. Should this proposition be approved?

YES.....

NO

B. For purposes of receiving notice of any matters related to the ballot title, as provided in RCW 29A.36.080, the City Council hereby designates its bond counsel, Foster Pepper PLLC (Marc Greenough, 206-447-7888, marc.greenough@foster.com), as the individual to whom such notice shall be provided.

Section 8. General Authorization. The proper City officials are authorized to perform such duties as are necessary or required by law to the end that the question of whether or not the Bonds shall be issued, as provided in this ordinance, shall be submitted to the voters of the City at the November 8, 2016 special election held in conjunction with the statewide general election.

Section 9. Intent to Reimburse. The City Council declares that to the extent the City makes capital expenditures for the Project prior to the date the Bonds or other short-term obligations are issued to finance the Project, from funds that are not (and are not reasonably expected to be) reserved, allocated on a long-term basis or otherwise set aside by the City under its existing and reasonably foreseeable budgetary and

financial circumstances to finance the Project, those capital expenditures are intended to be reimbursed out of proceeds of the Bonds or other short-term obligations issued in an amount not to exceed the principal amount of the Bonds provided by this ordinance.

Section 10. Local Voters' Pamphlet Authorized. The preparation and distribution of a local voters' pamphlet providing information on the foregoing ballot measure is hereby authorized. The pamphlet shall include an explanatory statement and arguments advocating approval and disapproval of the ballot measure. The preparation of the explanatory statement, the appointment of pro/con committees and the preparation of arguments advocating approval and disapproval of the ballot measure shall be in accordance with Chapter 29A.32 RCW and the rules and guidelines of the Director. The arguments advocating approval and disapproval of the ballot shall be prepared by committees appointed by the City Council. Each committee shall be composed of not more than three persons, and the committee advocating approval shall be composed of persons known to favor the ballot title and the committee advocating disapproval shall be composed of persons known to oppose the ballot title. Pursuant to the Director's guidelines, the names of the committee members appointed by the City Council shall be provided to the Director no later than 4:30 p.m. on August 2, 2016, and the arguments advocating approval and disapproval of the ballot measure shall be provided to the Director no later than 4:30 p.m. on August 5, 2016. The explanatory statement shall be prepared by the City Attorney and filed with the Director no later than 4:30 p.m. on August 5, 2016.

Section 11. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

Section 12. Severability. If any provision of this ordinance is declared by any court of competent jurisdiction to be invalid, then such provision shall be null and void and shall be severable from the remaining provisions of this ordinance, and shall in no way affect the validity of the other provisions of this ordinance or of any other ordinance or resolution or of the Bonds.

Section 13. Effective Date. This ordinance or a summary thereof shall be published in the official newspaper of the City, and shall take effect and be in full force five days after passage and publication as provided by law.

Section 14. Ratification of Prior Acts. Any action taken consistent with the authority of this ordinance, after its passage but prior to the effective date, is ratified, approved and confirmed.

PASSED BY THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, at
a Regular Meeting thereof this _____ day of _____, 2016.

ATTEST/AUTHENTICATED:

Christy O'Flaherty, MMC, City Clerk

Allan Ekberg, Mayor

APPROVED AS TO FORM BY:

Filed with the City Clerk: _____

Passed by the City Council: _____

Published: _____

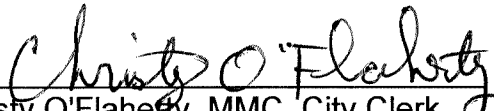
Effective Date: _____

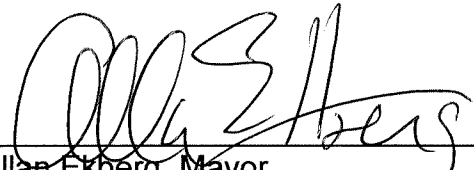
Ordinance Number: _____

Rachel B. Turpin, City Attorney


PASSED BY THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, at a Regular Meeting thereof this 1st day of August, 2016.

ATTEST/AUTHENTICATED:


Christy O'Flaherty, MMC, City Clerk


Allan Ekberg, Mayor

APPROVED AS TO FORM BY:


Rachel B. Turpin, City Attorney

Filed with the City Clerk: 7-27-16
Passed by the City Council: 8-1-16
Published: 8-4-16
Effective Date: 8-9-16
Ordinance Number: 2509

City of Tukwila Public Notice of Ordinance Adoption for Ordinance 2509.

On August 1, 2016 the City Council of the City of Tukwila, Washington, adopted the following ordinance, the main points of which are summarized by title as follows:

Ordinance 2509: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, PROVIDING FOR THE SUBMISSION TO THE VOTERS OF THE CITY AT A SPECIAL ELECTION TO BE HELD IN CONJUNCTION WITH THE STATEWIDE GENERAL ELECTION ON NOVEMBER 8, 2016, OF A PROPOSITION AUTHORIZING THE CITY TO ISSUE ITS GENERAL OBLIGATION BONDS FOR THE PURPOSE OF PAYING A PORTION OF THE COST OF THE TUKWILA PUBLIC SAFETY PLAN, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$77,385,000, PAYABLE BY ANNUAL PROPERTY TAX LEVIES TO BE MADE IN EXCESS OF REGULAR PROPERTY TAX LEVIES, AND TO LEVY THOSE EXCESS PROPERTY TAXES, ALL AS MORE PARTICULARLY SET FORTH HEREIN; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

The full text of this ordinance will be provided upon request.

Christy O'Flaherty, MMC, City Clerk

Published Seattle Times: August 4, 2016