

AUG 06 2013

CITY OF YELM, WASHINGTON  
ORDINANCE NO. 975

AT 10:58-email AM/PM  
BY: Abb DEPUTY

AN ORDINANCE of the City of Yelm, Washington, providing for the submission to the voters of the City at a special election, to be held in conjunction with the state general election on November 5, 2013, of a proposition authorizing the City to issue its general obligation bonds, for the purpose of paying a portion of the cost of expanding and improving the Yelm City Park, in the principal amount of no more than \$5,742,000, payable by annual property tax levies to be made in excess of the regular property tax levies, and to levy those excess property taxes, all as more particularly set forth herein.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF YELM, WASHINGTON, as follows:

Section 1. Findings and Determinations. The City Council of the City of Yelm, 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 expand and improve the Yelm City Park by constructing a community center and supporting facilities and carrying out other park improvements (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 not to exceed \$5,742,000 of general obligation bonds of the City to pay a portion of the costs of the Project and the costs of issuance of such bonds, to be repaid 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 be submitted to the qualified electors of the City for their ratification or rejection at a special election.

Section 2. The Project. 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.

The estimated cost of the Project, including the costs of issuing and selling the Bonds authorized by this ordinance, is declared to be at least \$5,742,000. The economic life of the Project is expected to be at least 30 years.

Section 3. Description of Proposed Bonds. The Bonds may be issued as a single issue, as a part of a combined issue with other authorized bonds, or in more than one series, 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 25 years from 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 both 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 meet such payments of principal and interest as they come 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 such 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 for the 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. Calling of Election. The City Council requests that the Auditor of Thurston County, Washington, as *ex officio* Supervisor of Elections (the "Auditor"), call and conduct a special election in the City, in the manner provided by law, to be held therein on November 5, 2013, 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 the principal amount of not more than \$5,742,000 (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 the costs of the Project, and annual excess property taxes shall be levied to pay and retire the Bonds. The proceeds of the Bonds shall be used for capital purposes only, which shall not include the replacement of equipment.

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 the costs of issuance and sale of the Bonds, and to levy excess property taxes to pay and retire such Bonds.

Section 6. Ballot Proposition. The City Clerk (or his or her designee) is authorized and directed to certify, no later than August 6, 2013, to the Auditor, 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. 1

CITY OF YELM, WASHINGTON  
COMMUNITY CENTER AND PARK BONDS

The City Council of the City of Yelm has passed Ordinance No. 975 concerning financing the expansion of and improvements to Yelm City Park. If approved, this proposition would authorize issuance of general obligation bonds in an amount not more than \$5,742,000 (maturing within 25 years or less) to pay costs of constructing a community center and supporting facilities and carrying out other park improvements, and authorize the annual levy of excess property taxes to pay and retire such bonds, all as provided in Ordinance No. 975. Should this proposition be approved?

YES.....   
NO.....

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 (Alice Ostdiek, 206-447-4663, ostda@foster.com), as the individual to whom such notice shall be provided.

Section 7. General Authorization. The proper City official 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 5, 2013 special election.

Section 8. Intent to Reimburse. The City Council declares that to the extent that 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 9. 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 Auditor. The arguments advocating approval and disapproval of the ballot shall be prepared by committees appointed by City Council by motion. 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 Auditor's

guidelines, if the Council appoints either 'for' or 'against' committees, the names of the committee members appointed by the City Council shall be provided to the Auditor no later than August 6, 2013 (or the day the City Clerk certifies this ordinance with the Auditor, if earlier) and the arguments advocating approval and disapproval of the ballot measure shall be provided to the Auditor no later than August 13, 2013 (or one week after the City Clerk certifies this ordinance with the Auditor, if earlier). In the event the City does not appoint pro/con committees, then the Auditor may do so consistent with the Auditor's guidelines. The explanatory statement shall be prepared by the City's attorney and filed with the Auditor no later than August 13, 2013 (or one week after the City Clerk certifies this ordinance with the Auditor, if earlier).

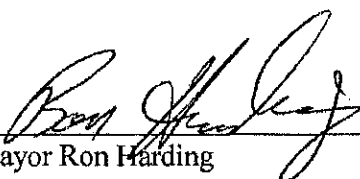
Section 10. Conditional Authority. On May 7, 2013, the City adopted Ordinance 970, which authorized the submission to the qualified voters within the City at a special election held on August 6, 2013, of a proposition authorizing the City to issue its general obligation bonds for the purpose of paying a portion of the cost of expanding and improving the Yelm City Park, payable by annual property tax levies to be made in excess of the regular property tax levies, and to levy those excess property taxes. In the event the proposition authorized by Ordinance 970 is approved by the qualified voters within the City on August 6, 2013, and such approval is duly certified by the Canvassing Boards of Thurston County, Washington, this Ordinance No. 975 shall be null and void, and the Auditor shall not submit the proposition authorized by this Ordinance No. 975 to the qualified voters within the City at the special election to be held in conjunction with the general election on November 5, 2013.

Section 11. 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 12. Publication and Effective Date. This ordinance shall take effect and be in force from and after the date of its passage and five days following its publication as required by law.

Section 13. 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 and APPROVED by the Mayor of the City of Yelm, Washington, at a special meeting thereof, this 5<sup>th</sup> day of August, 2013.

  
\_\_\_\_\_  
Mayor Ron Harding

ATTEST:

  
\_\_\_\_\_  
Janine Schnepf, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Foster Pepper PLLC, Bond Counsel

Published: August 9, 2013  
Effective: August 14, 2013

## CERTIFICATION

I, the undersigned, City Clerk of the City of Yelm, Washington (the "City"), hereby certify as follows:

1. The attached copy of Ordinance No. 975 (the "Ordinance") is a full, true and correct copy of an ordinance duly passed at a special meeting of the City Council of the City held on August 5, 2013, as that ordinance appears on the minute book of the City.

2. At least 24 hours before the time of the special meeting, written notice specifying the time and place of the special meeting and the business to be transacted, a true and complete copy of which is attached as Appendix 1, was provided as follows:

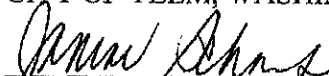
- a. Given to all members of the City Council by mail, fax, electronic mail or personal delivery.
- b. Prominently displayed at the main entrance of City buildings including; City Hall and Public Safety Building.
- c. Posted on the City's web site.

3. The Ordinance will be in full force and effect five days after publication in the City's official newspaper, which publication date is August 9, 2013.

4. A quorum of the members of the City Council was present throughout the meeting and a majority of the members voted in the proper manner for the passage of the Ordinance.

Dated: August 5, 2013.

CITY OF YELM, WASHINGTON

  
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Janine Schnepf, City Clerk