

CLERK'S OFFICE

APPROVED

Date: 1-27-98

Submitted by: Chair of the Assembly at the request of the Mayor

Prepared by: Bond Counsel

For Reading: January 13, 1998

MUNICIPALITY OF ANCHORAGE, ALASKA

ORDINANCE NO. AO 98-2

AN ORDINANCE OF THE MUNICIPALITY OF ANCHORAGE, ALASKA, AUTHORIZING THE ISSUANCE OF A REVENUE BOND (ANCHORAGE COMMUNITY MENTAL HEALTH SERVICES PROJECT), OF THE MUNICIPALITY IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$825,000; AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT IN CONNECTION THEREWITH; AUTHORIZING THE PROPER OFFICIALS OF THE MUNICIPALITY TO DO ALL THINGS NECESSARY OR ADVISABLE TO CONSUMMATE THE ISSUANCE, SALE AND DELIVERY OF SUCH BONDS; PROVIDING THE FORM OF BOND AND MANNER OF SALE OF SAID BOND; AND PROVIDING THAT THE BOND BE PLACED WITH NATIONAL BANK OF ALASKA.

WHEREAS, Anchorage Community Mental Health Services, an Alaska non-profit corporation ("ACMHS") plans to finance the acquisition price and improvements to property AT 2735 East Tudor Road, within the Municipality (the "Project"); and

WHEREAS, ACMHS has requested the Municipality to issue its Nonrecourse Revenue Bond, 1998 (Anchorage Community Mental Health Services Project) in the aggregate dollar amount of \$825,000 (the "Bond") for the purpose of paying all or a portion of the costs of the Project and the issuance of the Bond; and

WHEREAS, the Bond will be purchased by National Bank of Alaska under the terms and conditions set forth in a purchase commitment to be delivered and accepted by the Municipality; and

WHEREAS, there will be prepared and submitted to the Municipality and filed with the Municipal Clerk draft forms of a Loan Agreement (the "Loan Agreement") under which the

Municipality agrees to lend the proceeds of the Bond to ACMHS to fund all or a portion of the Project; and

WHEREAS, it is necessary to establish the form and manner of sale of the Bond;

NOW THEREFORE, THE MUNICIPALITY OF ANCHORAGE ORDAINS:

Section 1 Purpose. The purpose of this Ordinance is to authorize the issuance and negotiated sale of Municipality of Anchorage, Alaska Nonrecourse Revenue Bond, 1998 (Anchorage Community Mental Health Services Project) in an aggregate principal amount not to exceed \$825,000, to authorize the execution of the Loan Agreement.

Section 2. Authorization of Bond. To fund a portion of the Project and to pay all or a portion of the costs of issuance of the Bond, the issuance of not to exceed \$825,000 in the aggregate principal amount of a revenue bond designated "Nonrecourse Revenue Bond, 1998 (Anchorage Community Mental Health Services Project)" of the Municipality is hereby authorized.

The final Bond terms shall be as set forth in the final form of said Loan Agreement

Section 3 Security for the Bond. The Bond shall be secured by payments to be made by ACMHS and other collateral to be pledged under the Loan Agreement and shall be a special, limited obligation of the Municipality payable solely from and secured by payments to be received under the Loan Agreement and such collateral. The Bond does not and shall never constitute a debt or indebtedness or loan of the credit of the Municipality within the meaning of any provisions or limitations of the State constitution, the Municipal Charter, or any statute or ordinance and shall not constitute or give rise to a pecuniary liability of the Municipality or a charge against the general credit or taxing power of the Municipality, and the face of the Bond shall so state.

Section 4. Placement of Bond. The Bond shall be sold to National Bank of Alaska (the "Bank") in accordance with its commitment dated December 19, 1997. The Mayor, Chief Fiscal Officer and other appropriate officials are hereby authorized to negotiate such matters with ACMHS the Bank.

Section 5. Form of Bond. The Bond shall be in substantially the following form with such additions and modifications as shall be appropriate to reflect the final negotiated terms of the Bond

UNITED STATES OF AMERICA

No. \$825,000

**STATE OF ALASKA
ANCHORAGE, ALASKA**

NONRECOURSE REVENUE BOND, 1998

INTEREST RATE: **MATURITY DATE:** **CUSIP NO.**

REGISTERED OWNER: National Bank of Alaska

PRINCIPAL AMOUNT: **EIGHT HUNDRED TWENTY FIVE THOUSAND
AND NO/100 DOLLARS**

Anchorage, Alaska (the "Municipality"), a municipal corporation of the State of Alaska, hereby acknowledges itself to owe and for value received promises to pay to the Registered Owner identified above, or its registered assigns, solely out of the payments to be made by Anchorage Community Mental Health Services, an Alaska non-profit corporation ("ACMHS") under the terms of a Loan Agreement, dated as of _____ between the Municipality and ACMHS and other collateral as described therein, all pursuant to Ordinance No. AO 98-____, passed by the Municipal Assembly on _____, 1998 (the "Bond Ordinance") . Principal of and interest on this Bond shall be payable as follows: _____

This bond is one of an issue of bonds aggregating the principal sum of \$825,000 and is issued pursuant to the Constitution and statutes of the State of Alaska and the Home Rule Charter and duly adopted ordinances and resolutions of the Municipality, including particularly, the Bond Ordinance for the purpose of paying the costs of certain capital acquisitions and improvements to facilities of ACMHS within the Municipality.

The Bond is subject to optional and/or mandatory redemption as follows:

It is hereby certified that all acts, conditions and things required by the Constitution and statutes of the State of Alaska and the Home Rule Charter, resolutions and ordinances of the Municipality to be done precedent to and in the issuance of this Bond have happened, been done and performed.

IN WITNESS WHEREOF, Anchorage, Alaska, has caused this Bond to be executed with the manual or facsimile signature of its Mayor and to be countersigned with the manual or facsimile signature of its Municipal Clerk and the official seal of the Municipality to be impressed or imprinted hereon, this ____ day of _____, 19__.

ANCHORAGE ALASKA

By /s/ manual or facsimile signature
Mayor

Countersigned:

 /s/manual or facsimile signature
Municipal Clerk

ACCEPTED:

ANCHORAGE COMMUNITY MENTAL HEALTH SERVICES

Section 6. Severability. If any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any remaining provisions of this Ordinance.

Section 7. Construction of Ordinance. This Ordinance is necessary for the health, welfare and safety of the Municipality and its inhabitants; therefore, it shall be liberally construed to effect its purposes.

Section 8. Authorization and Execution. The Mayor, the Municipal Clerk and any other proper official of the Municipality, and each of them, is hereby authorized and directed to execute and deliver any and all documents and instruments and to do and cause to be done any and all acts and things necessary or proper for carrying out the transactions contemplated by this Ordinance.

Section 9. Effective Date. This Ordinance shall take effect immediately upon its adoption.

ADOPTED BY THE ANCHORAGE ASSEMBLY THIS 27th day of January, 1998.

By


Chair

ATTEST:


Municipal Clerk

CERTIFICATE

I, the undersigned, Municipal Clerk of the Municipality of Anchorage (herein called the "Municipality"), DO HEREBY CERTIFY:

1 That the attached Ordinance numbered AO 98- (herein called the "Ordinance") is a true and correct copy of an ordinance of the Municipality as passed at a meeting of the Municipal Assembly held on , 1998, and duly recorded in my office.

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Municipality of Anchorage this ____ day of _____, 1998.

Lejane Ferguson
Municipal Clerk

[SEAL]