

1 **CLERK'S OFFICE**

2 **APPROVED**

3 Date: 10-31-00

Submitted by: Chairman of the Assembly at the
Request of the Mayor
Prepared by: Wohlforth, Vassar, Johnson
& Brecht
For Reading: October 17, 2000

4 **MUNICIPALITY OF ANCHORAGE**

5 **ORDINANCE NO. AO 2000-149**

6 AN ORDINANCE OF THE MUNICIPALITY OF ANCHORAGE, ALASKA,
7 AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF NOT TO
8 EXCEED \$40,000,000 IN AGGREGATE PRINCIPAL AMOUNT OF
9 GENERAL OBLIGATION SCHOOL BONDS OF THE MUNICIPALITY FOR
10 THE PURPOSE OF RAISING FUNDS TO PAY THE COSTS OF
11 EDUCATIONAL CAPITAL IMPROVEMENT PROJECTS IN THE MUNICI-
12 PALITY; FIXING CERTAIN DETAILS OF SAID BONDS; PROVIDING FOR
THE FORM AND MANNER OF SALE OF SAID BONDS; PLEDGING THE
FULL FAITH AND CREDIT OF THE MUNICIPALITY TO THE PAYMENT
THEREOF; AUTHORIZING THE CHIEF FISCAL OFFICER TO NEGOTIATE
AND EXECUTE A CONTRACT FOR THE PURCHASE AND SALE OF SAID
BONDS; AND RELATED MATTERS.

13 WHEREAS, pursuant to Ordinance No. AO 99-41(S-1, as amended) of the
14 Municipality passed and approved on March 2, 1999, the following question referred to at
15 the election held on April 20, 1999 as Proposition 11

16 **PROPOSITION NO. 1**

17 Shall Anchorage borrow up to \$173,150,000 through the
18 issuance of general obligation bonds and increase the
19 municipal tax cap by an amount up to \$3,137,150 to pay for
associated annual operations and maintenance costs.

20 The general obligation bond proceeds will pay costs of plan-
21 ning, designing, acquiring property for, site preparation,
22 constructing, acquiring, renovating, installing and equipping
23 educational capital improvement projects within Anchorage.
The increase in the municipal tax cap will pay for operations
and maintenance costs related to the proposed educational
capital improvements.

24 The proposed educational capital improvement projects which
25 include, but are not limited to, the following:
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1 Voter approval of this bond proposition also authorizes for
2 each \$100,000 of assessed real and personal property value
3 (based on the estimated 1999 assessed valuation) an annual
increase in taxes of \$48.08 to retire the proposed bond
indebtedness.

4 No bonds will be issued, however, to finance costs of projects
5 listed under "Reimbursement Projects" above unless and until
6 such projects qualify for 70% debt service reimbursement from
the State of Alaska under existing or new legislation. Receipt
of State reimbursement is subject to legislative appropriations.

7 The debt will be paid first from real and personal property
8 taxes levied and collected areawide in Anchorage. Anchorage
will also pledge its full faith and credit for payment of the debt.

9 (No. AO 99-41(S-1, as Amended))

10 (herein called "Proposition 99-11") was passed and approved, and said election has been
11 duly canvassed and the results thereof certified and confirmed in accordance with law, and
12 \$138,150,000 principal amount of said general obligation bonds remain authorized, but
13 unissued, under Proposition 99-11; and

14 WHEREAS, the Home Rule Charter of the Municipality provides in Section 15.03
15 that the Assembly by ordinance shall provide for the form and manner of sale of bonds and
16 notes including reasonable limitation upon the sale of bonds and notes to financial
17 consultants of the Municipality; and

18 WHEREAS, the Municipality has determined and does hereby determine that it is
19 necessary to continue to plan, design, acquire property for, prepare the sites for, construct,
20 acquire, renovate, install and equip some of the educational capital improvements of the
21 Municipality specified in Proposition 99-11, and to pay the capital costs thereof (hereinafter
22 referred to, as specified in said Proposition, as the "Projects"); and

23 WHEREAS, it is deemed necessary and advisable and in the best interest of the
24 Municipality and its inhabitants that not to exceed \$40,000,000 principal amount of general
25 obligation school bonds referred to in Proposition 99-11, constituting a portion of the
26 \$138,150,000 principal amount of unsold general obligation school bonds referred to
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1 therein, be hereby authorized, as hereinafter fixed and determined, for the purpose of
2 raising funds to pay the Costs (as hereinafter defined) of the Projects.

3 NOW, THEREFORE, THE MUNICIPALITY OF ANCHORAGE ORDAINS:

4 Section 1 Purpose. The purpose of this Ordinance is to authorize the issuance
5 and sale of not to exceed \$40,000,000 of general obligation school bonds of the
6 Municipality (the "Bonds") to provide funds to pay a portion of the capital costs of the
7 Projects, to pay the costs of issuance of the Bonds authorized herein (including the bond
8 insurance premium, if any) and to fix certain details and to provide for the form and manner
9 of sale of said Bonds to be issued

10 Section 2. Definitions. The following terms shall have the following meanings in this
11 Ordinance:

12 (a) "Acquired Obligations" means any of the following securities, if and to the
13 extent the same are at the time legal for investment of funds of the Municipality: (1) any
14 bonds or other obligations which as to principal and interest constitute direct obligations
15 of, or are unconditionally guaranteed as to timely payment by, the United States of
16 America; direct obligations and fully guaranteed certificates of beneficial interest of the
17 Export-Import Bank of the United States; senior debt obligations of the Federal Home Loan
18 Banks; debentures of the Federal Housing Administration; guaranteed mortgage-backed
19 bonds and guaranteed pass-through obligations of the Government National Mortgage
20 Association; guaranteed Title XI financings of the U.S. Maritime Administration; and
21 participation certificates and senior debt obligations of the Federal Home Loan Mortgage
22 Corporation; or (2) any bonds or other obligations of any state of the United States of
23 America or of any agency, instrumentality or local governmental unit of any such state,
24 (a)(i) which are not callable at the option of the obligor prior to maturity, (ii) which are
25 callable prior to maturity and the issuer has foregone the right to call the obligations and
26 the obligations are irrevocably escrowed to maturity, or (iii) as to which irrevocable

1 information in any Annual Report or notice of occurrence or a material event, in addition
2 to that which is required by this Section. If the Municipality chooses to include any
3 information in any Annual Report or notice of the occurrence of a material event in addition
4 to that specifically required by this Section, the Municipality shall have no obligation under
5 this Ordinance to update such information or to include it in any future Annual Report(s)
6 or notice of occurrence of a material event.

7 Section 27. Severability. If any one or more of the covenants and agreements
8 provided in this Ordinance to be performed on the part of the Municipality shall be declared
9 by any court of competent jurisdiction to be contrary to law, then such covenant or
10 covenants, agreement or agreements shall be null and void and shall be deemed
11 separable from the remaining covenants and agreements in this Ordinance and shall in no
12 way affect the validity of the other provisions of this Ordinance or of the Bonds.

13 Section 28 Effective Date This Ordinance shall take effect immediately

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15 PASSED AND APPROVED by the Anchorage Assembly, this 31st day of
16 October 2000.

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19 ATTEST:

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Chair


Municipal Clerk

**FULL TEXT OF
DOCUMENT CAN BE
OBTAINED AT MUNI
CLERK'S OFFICE.**