

CLERK'S OFFICE
APPROVED
Date: 1-23-01

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

Prepared by: Bond Counsel

For Reading: JANUARY 9, 2001

MUNICIPALITY OF ANCHORAGE, ALASKA

ORDINANCE NO. AO 2001- 3

AN ORDINANCE OF THE MUNICIPALITY OF ANCHORAGE, ALASKA,
AUTHORIZING THE ISSUANCE OF A NONRECOURSE REVENUE
BOND (ALASKA NATIVE HERITAGE CENTER, INC. PROJECT), OF
THE MUNICIPALITY IN AN AGGREGATE PRINCIPAL AMOUNT
NOT TO EXCEED \$4,200,000; 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, Alaska Native Heritage Center, Inc., an Alaska non-profit corporation
(the "Borrower") plans to finance improvements and additions to the cultural and educational
facilities of the Alaska Native Heritage Center located at 8800 Heritage Center Drive, within
the Municipality (the "Project"); and

WHEREAS, the Borrower has requested the Municipality to issue its Nonrecourse
Revenue Bond, 2001 (Alaska Native Heritage Center, Inc. Project) in the aggregate dollar
amount of \$4,200,000 (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 Municipality has held an open public hearing, following published
notice with respect thereto, regarding the issuance of the Bond authorized herein; and

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

WHEREAS, there will be prepared and submitted to the Municipality and filed with
the Municipal Clerk a draft form of a Loan Agreement (the "Loan Agreement") under which
the Municipality agrees to lend the proceeds of the Bond to the Borrower 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, 2001
(Alaska Native Heritage Center, Inc. Project) in an aggregate principal amount not to exceed
\$4,200,000, 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 \$4,200,000 in
the aggregate principal amount of a revenue bond designated "Nonrecourse Revenue Bond,
2001 (Alaska Native Heritage Center, Inc. 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 the Borrower 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 October 7, 2000. The Mayor, Chief Fiscal Officer and other appropriate officials are hereby authorized to negotiate such matters with the Borrower.

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. R-

\$4,200,000

STATE OF ALASKA
ANCHORAGE, ALASKA

**NONRECOURSE REVENUE BOND, 2001
(ALASKA NATIVE HERITAGE CENTER, INC. PROJECT)**

INTEREST RATE: _____ %

MATURITY DATE: _____ 1, 2016

REGISTERED OWNER: NATIONAL BANK OF ALASKA

TAXPAYER EIN: 51-0152394

PRINCIPAL AMOUNT: FOUR MILLION TWO HUNDRED THOUSAND
AND NO/100 DOLLARS

The Municipality of 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 Alaska Native Heritage Center, Inc., an Alaska non-profit corporation (the "Borrower") under the terms of a Loan Agreement, dated as of _____, 1,

1 2001 between the Municipality and the Borrower (the "Loan Agreement") and other collateral
2 as described therein, all pursuant to Ordinance No. AO 2001-____, passed by the Municipal
3 Assembly on January ___, 2001 (the "Bond Ordinance"). The Bond shall bear interest on
4 unpaid principal from the date of issuance thereof at the rate of ____%, payable monthly
5 commencing _____ 1, 2001 and on each 1st day of the month thereafter. Principal of the
6 Bond shall be payable in monthly installments commencing on _____ 1, 2001 and on each
1st day of the month thereafter, concluding that the Bond shall be repayable in combined
monthly installments (including principal and interest) in the amount of \$_____ each, with
the final installment in the amount of \$_____. In any event, all principal and interest on
the Bond remaining unpaid shall mature and be payable on the Maturity Date.

7 This bond is one of an issue of bonds aggregating the principal sum of \$4,200,000 and
8 is issued pursuant to the Constitution and statutes of the State of Alaska and the Home Rule
9 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 the Borrower within the Municipality.

10 This bond is subject to prepayment in advance of its stated maturity upon approval
11 from the Bank. The Borrower shall pay such prepayment fees as described in the Loan
Agreement.

12 The Bond is subject to extraordinary optional redemption pursuant to conditions set
13 forth in the Loan Agreement.

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

1 IN WITNESS WHEREOF, Anchorage, Alaska, has caused this Bond to be executed
2 with the manual or facsimile signature of its Municipal Manager and to be countersigned with
3 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 _____, 2001.

4 MUNICIPALITY OF ANCHORAGE
5 ALASKA

6 By /s/ manual or facsimile signature
Municipal Manager

7 Countersigned:

8 /s/manual or facsimile signature
9 Municipal Clerk

10 ACCEPTED:

1 ALASKA NATIVE HERITAGE CENTER, INC.
12 _____
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14 Section 6. Severability. If any section, paragraph, clause or provision of this
15 Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or
16 unenforceability of such section, paragraph, clause or provision shall not affect any remaining
17 provisions of this Ordinance.

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

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

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

5 ADOPTED by the Anchorage assembly this 23 day of January, 2001

6 |
7 By Fay Von Henniges
8 Chair
9 |

10 | ATTEST:

11 LS

12 Clerk
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