

Submitted by: ALLEN TESCHE, ASSEMBLY MEMBER
DICK TRAINI, ASSEMBLY MEMBER
Prepared by: Cynthia M. Weed, Bond Counsel
K&L PRESTON GATES ELLIS LLP

CLERK'S OFFICE

APPROVED

Date: 1-29-08

For Reading:

MUNICIPALITY OF ANCHORAGE, ALASKA
ORDINANCE No. AO 2007-148(S)

AN ORDINANCE PROVIDING FOR THE SUBMISSION OF A BALLOT PROPOSITION TO THE QUALIFIED VOTERS OF THE MUNICIPALITY AT THE REGULAR ELECTION ON APRIL 1, 2008 THE QUESTION OF ISSUANCE OF NOT TO EXCEED TWO MILLION DOLLARS (\$2,000,000) OF GENERAL OBLIGATION BONDS OF THE MUNICIPALITY, CONTINGENT UPON RECEIPT OF UP TO TWO MILLION DOLLARS (\$2,000,000) OF MATCHING GRANTS FROM THE STATE OF ALASKA, TO PAY THE COSTS OF CAPITAL IMPROVEMENTS FOR SWIMMING POOLS WITHIN THE ANCHORAGE PARKS AND RECREATION SERVICE AREA AND AN INCREASE IN THE MUNICIPAL TAX CAP LIMITATION TO PAY RELATED OPERATIONS AND MAINTENANCE COSTS.

WHEREAS, the best interest of the citizens and property owners in the Anchorage Parks and Recreation Service Area serving the Municipality of Anchorage, Alaska (the "Municipality") require the Municipality to improve, renew replace and renovate various pool facilities; and

WHEREAS, the Assembly of the Municipality have identified necessary pool improvements within the Anchorage Parks and Recreation Service Area; and

WHEREAS, in order to provide funds to perform the necessary replacements, renovations, renewals and improvements as further described in Section 1 of this ordinance (the "Projects"), it is deemed necessary and advisable that the Municipality issue and sell its general obligation bonds (the "Bonds"); now, therefore

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Purpose. The Assembly hereby determines that the pool facilities at Bartlett High School, Dimond High School, East High School, Service High School and West

1 High School within the Anchorage Parks and Recreation Service Area are in need of
2 improvement, renewal, replacement and renovation (the "Projects"). The Assembly of the
3 Municipality hereby determines that the best interest of the residents and property owners
4 within the Anchorage Parks and Recreation Service Area require the Municipality to
5 undertake the Projects at the time and in the order and in the manner deemed most
6 necessary and advisable by the Municipality. The estimated cost of the Projects, including
7 incidental costs and costs related to issuing and selling the Bonds as provided in this
8 ordinance, is estimated to be \$4,000,000; provided, however, that all or a portion of such
9 costs are anticipated to be paid from State grants.

10 The Projects are described in more detail in the attachment to the Assembly
11 Memorandum accompanying this ordinance. The cost of all necessary planning,
12 acquisition of property for, site preparation, construction, installing and equipping of the
13 Projects, architectural, engineering, design, and other consulting services, inspection and
14 testing, administrative expenses, costs of issuance of the Bonds (hereinafter defined) and
15 other costs incurred in connection with the Projects shall be deemed to be costs of the
16 approved Projects. The approved Projects may be completed with all necessary equipment
17 and appurtenances.

18 The Municipality shall determine the application of available moneys as between the
19 various Projects so as to accomplish, as nearly as may be, all of the Projects described or
20 provided for in this section.

21 If the Municipality shall determine that it has become impractical to accomplish any
22 portion of the approved Projects by reason of changed conditions or needs, incompatible
23 development or costs substantially in excess of those estimated, the Municipality shall not

1 be required to accomplish such portions and shall apply Bond proceeds as set forth in this
2 section.

3 If the approved Projects have been completed in whole or in part, or their completion
4 duly provided for, or their completion found to be impractical, the Municipality may apply
5 Bond proceeds or any portion thereof to other Municipality park and recreation capital
6 improvements at its sole discretion. Otherwise, the Municipality shall apply such
7 remaining proceeds solely to payment of principal or interest on the Bonds, as provided in
8 the Home Rule Charter. In the event that the proceeds of sale of the Bonds, plus any other
9 monies of the Municipality legally available, are insufficient to accomplish the approved
10 Projects, the Municipality shall use the available funds for paying the cost of those portions
11 of the approved Projects deemed by the Municipality most necessary and in the best
12 interest of the Municipality. No Bond proceeds shall be used for any purpose other than a
13 capital improvement.

14 For the purpose of providing funds for the undertaking of the Projects, which are
15 hereby found to be a public purpose and in the public interest, the Municipality hereby
16 proposes to issue general obligation bonded indebtedness in an amount not to exceed Two
17 Million Dollars (\$2,000,000) (the "Bonds"). The issuance of the Bonds, which may be
18 sold in one or more series, is conditioned upon the appropriation of funds by the State of
19 Alaska; provided, that the fund(s) are not required to be one to one matching grant(s).

20 **Section 2.** Details of Bonds. The Bonds shall be sold in such amounts and at such
21 time or times as deemed necessary and advisable by the Assembly and as permitted by law
22 and shall mature over a period of 20 years from date of issue. The Bonds shall be issued in
23 an aggregate principal amount of not to exceed \$2,000,000. The Bonds shall bear interest

1 to be fixed at the time of sale or sales thereof. The exact form, terms, conditions, contents,
2 security, options of redemption, and such other matters relating to the issuance and sale of
3 said Bonds as are deemed necessary and advisable by the Assembly shall be as hereinafter
4 determined and/or delegated by ordinance and/or resolution of the Assembly.

5 The full faith and credit of the Municipality is pledged for the payment of the
6 principal of and interest on the Bonds, and ad valorem taxes upon all taxable property in
7 the Municipality shall be levied without limitation as to rate or amount to pay the principal
8 and interest on the Bonds when due. The principal of and interest on the Bonds are to be
9 paid first from ad valorem taxes levied and collected within the Anchorage Parks and
10 Recreation Service Area.

11 **Section 3.** Ballot Proposition. The Assembly hereby submits to the qualified electors
12 of the Municipality the proposition of whether or not the Municipality should issue the
13 Bonds for the purpose of financing the costs of the approved Projects at the regular
14 municipal election to be held on April 1, 2008.

15 The Clerk shall prepare the ballot proposition to be submitted to the voters as
16 provided by this ordinance and the Municipal Code and shall perform all necessary steps in
17 accordance with law to place this proposition before the voters at the regular election. The
18 proposition must receive a majority vote of those in the Municipality voting, both in the
19 Anchorage Parks and Recreation Service Area and areawide, on the question to be
20 approved. The proposition shall be substantially in the following form:

PROPOSITION NO. ___

ANCHORAGE PARKS AND RECREATION SERVICE
AREA POOL IMPROVEMENT BONDS

To improve, renovate, replace and renew pool facilities, shall Anchorage borrow money by issuing bonds in principal amount not to exceed \$2,000,000, contingent upon the appropriation of funds from the State of Alaska, and increase the municipal tax cap by an amount up to \$223,000 to pay for annual operations and maintenance costs, including up to \$100,000 as a reserve for required repairs? The proposed capital improvements would be located within the Anchorage Parks and Recreation Service Area. The debt shall be first paid from real and personal property taxes levied and collected within the Anchorage Parks and Recreation Service Area, without cost to properties in Chugiak, Eagle River, Girdwood, and other areas outside the Service Area.

Anchorage will also pledge its full faith and credit for payment of the bonds.

Voter approval of this bond proposition authorizes for each \$100,000 of assessed taxable property value (based on the estimated total 2008 assessed valuation in the Anchorage Parks and Recreation Service Area): (i) an annual increase in taxes of approximately \$.60 to retire the proposed bonds, and (ii) an annual increase in the municipal tax cap (Charter 14.03(b)(2)) of approximately \$.83 to pay for annual operation and maintenance costs related to the proposed capital improvements.

(No. AO 2007-148(S))

Section 4. Submission of Question to Voters. The proposition, both for paper ballots and machine ballots, shall be printed on a ballot which may set forth other general obligation bond propositions, and the following words shall be added as appropriate and next to a square provided for marking the ballot or voting by a machine:

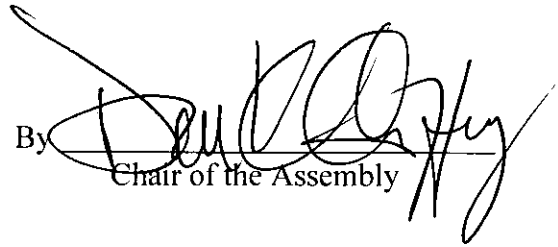
PROPOSITION NO. _____

BONDS, YES

BONDS, NO

1 **Section 5.** Effective Dates. Section 2 of this ordinance shall become effective only if
2 the proposition described in Section 3 is approved by a majority of the qualified voters
3 voting on the proposition at the regular election held on April 1, 2008. The remaining
4 sections of this ordinance shall become effective upon passage and approval by the
5 Assembly.

6 PASSED AND APPROVED by the Assembly of the Municipality of Anchorage, this 29th
7 day of January, 2008.

8
9
10 By 
11 Chair of the Assembly

12 ATTEST:

13 
14 _____
15 Municipal Clerk
16

MUNICIPALITY OF ANCHORAGE

ORDINANCE No. AO 2007-148(S)

AN ORDINANCE PROVIDING FOR THE SUBMISSION OF A BALLOT PROPOSITION TO THE QUALIFIED VOTERS OF THE MUNICIPALITY AT THE REGULAR ELECTION ON APRIL 1, 2008 THE QUESTION OF ISSUANCE OF NOT TO EXCEED TWO MILLION DOLLARS (\$2,000,000) OF GENERAL OBLIGATION BONDS OF THE MUNICIPALITY, CONTINGENT UPON RECEIPT OF UP TO TWO MILLION DOLLARS (\$2,000,000) OF MATCHING GRANTS FROM THE STATE OF ALASKA, TO PAY THE COSTS OF CAPITAL IMPROVEMENTS FOR SWIMMING POOLS WITHIN THE ANCHORAGE PARKS AND RECREATION SERVICE AREA AND AN INCREASE IN THE MUNICIPAL TAX CAP LIMITATION TO PAY RELATED OPERATIONS AND MAINTENANCE COSTS.

Prepared by

K&L PRESTON GATES ELLIS LLP

**MUNICIPALITY OF ANCHORAGE
ORDINANCE No. AO 2007-148(S)**

TABLE OF CONTENTS*

	Page
Section 1. Purpose.....	1
Section 2. Details of Bonds.....	3
Section 3. Ballot Proposition	4
Section 4. Submission of Question to Voters	5
Section 5. Effective Dates	6

* This Table of Contents and the cover page are for convenience of reference and are not intended to be a part of this ordinance.

Content Information

Content ID : 005956

Type: Ordinance - AO

Title: AO 2007-148(S) - G.O. Bonds for \$2,000,000 to pay the Costs of Capital Improvements for Swimming Pools, Finance

Author: pruittns

Initiating Dept: Finance

Keywords: AO 2007-148(S, Pools, \$2M, \$2,000,000, Swimming Pools, Bonds

Date Prepared: 1/25/08 11:11 AM

Assembly Meeting Date: 1/29/08

Public Hearing Date: 1/29/08

2008 JAN 25 PM 2:11
 M.O.A.
 CLERK'S OFFICE

Workflow History

<u>Workflow Name</u>	<u>Action Date</u>	<u>Action</u>	<u>User</u>	<u>Security Group</u>	<u>Content ID</u>
AllOrdinanceWorkflow	1/25/08 11:15 AM	Checkin	pruittns	Public	005956
Finance_SubWorkflow	1/25/08 11:39 AM	Approve	weddletons	Public	005956
OMB_SubWorkflow	1/25/08 12:39 PM	Approve	phillipswj	Public	005956
Legal_SubWorkflow	1/25/08 1:15 PM	Approve	gatesdt	Public	005956
MuniManager_SubWorkflow	1/25/08 1:39 PM	Approve	abbottmk	Public	005956
MuniMgrCoord_SubWorkflow	1/25/08 1:42 PM	Approve	handysidehm	Public	005956

Addendum -

OLD BUSINESS