

Ordinance No. 120169

Council Bill No. 113419


AN ORDINANCE relating to capital facilities; authorizing and providing for the issuance and sale of limited tax general obligation bonds, in one or more series, for the purposes of paying all or part of the costs of designing, constructing, and acquiring property for various City purposes, including a municipal civic center and a new Southwest Precinct Police Station, issuing and selling the bonds, and for other City purposes approved by ordinance; providing for terms, covenants, and manner of sale of the bonds; authorizing the creation of a fund in the City Treasury; and amending Section 15 of Ordinance 119020 concerning continuing disclosure.

CF No. _____

Date Introduced:	OCT 9 2000		
Date 1st Referred:		To: (committee)	BUDGET
Date Re - Referred:		To: (committee)	
Date Re - Referred:		To: (committee)	
Date of Final Passage:	11-27-00	Full Council Vote:	9-0
Date Presented to Mayor:	11-28-00	Date Approved:	11/29/00
Date Returned to City Clerk:	11-30-00	Date Published:	24 pp.
Date Vetoes by Mayor:		T.O. <input checked="" type="checkbox"/>	F.T. <input checked="" type="checkbox"/>
Date Passed Over Veto:		Date Veto Published:	
		Veto Sustained:	

The City of Seattle - Legislative Department
Council Bill/Ordinance sponsored by: _____

Committee Action

11-22-00  Pass As Amended

11-27-00  Passed 

This file is complete and ready for presentation to Full Council.

Law Department

Law Dept. Review

OMP
Review

City Clerk
Review

12
The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by:

Don Phago

Councilmember

Committee Action:

11-22-00



Pass As Amended

11-27-00



Passed ~~11-27-00~~ 9-0

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Committee:

(Initial/Date)

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ORDINANCE 120169

AN ORDINANCE relating to capital facilities; authorizing and providing for the issuance and sale of limited tax general obligation bonds, in one or more series, for the purposes of paying all or part of the costs of designing, constructing, and acquiring property for various City purposes, including a municipal civic center and a new Southwest Precinct Police Station, issuing and selling the bonds, and for other City purposes approved by ordinance; providing for terms, covenants, and manner of sale of the bonds; authorizing the creation of a fund in the City Treasury; and amending Section 15 of Ordinance 119020 concerning continuing disclosure.

WHEREAS, The City of Seattle, Washington (the "City"), authorized by Ordinance 118757 passed by the City Council on October 20, 1997, the design of a new Municipal Court Building; by Ordinance 119304 passed by the City Council on December 14, 1998, programming and design for the Municipal Civic Center, including the new City Hall and further design of a new Municipal Courthouse and Police Headquarters; by Ordinance 119432 passed by the City Council on April 12, 1999, design for the new Southwest Precinct Police Station; and by Ordinance 119630 passed by the City Council on August 30, 1999, bonds in the principal amount not to exceed Ninety Million Dollars (\$90,000,000) of which Eighty Million Five Hundred Thousand Dollars (\$80,500,000) have been issued pursuant to Resolution 30056 passed by the City Council on October 12, 1999, to pay for part of the Municipal Civic Center and the new Southwest Precinct Police Station; and

WHEREAS, the City has determined it to be in the best interest of the City that the City borrow money by the issuance of limited tax general obligation bonds for the purpose of providing funds with which to pay a part of the cost of construction and acquisition of the projects and facilities set forth in Exhibit A to this ordinance and by this reference incorporated herein, issuing and selling the bonds, and for other City purposes approved by ordinance, in the principal amount not to exceed Eighteen Million Five Hundred Twenty Three Thousand (\$118,523,000) and

WHEREAS, by Ordinance 119020 of the City, passed by the City Council on May 26, 1998, the City authorized and provided for the issuance of limited tax general obligation bonds in order to pay all or part of the costs of constructing a parking garage for the new central library, the costs of issuance and sale of the bonds, and for other City purposes approved by ordinance, in the principal amount not to exceed Five Million Eight Hundred Thousand Dollars; and

WHEREAS, the City wishes to amend the statement in Section 15 of Ordinance 119020 concerning continuing disclosure before the bonds authorized by that ordinance are issued; and

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1 WHEREAS, RCW 39.36.020 authorizes the City to incur indebtedness without assent of the
2 voters of the City so long as such indebtedness does not result in a total nonvoted
3 indebtedness of the City in excess of one and one-half percent (1½%) of the value of
4 taxable property within the City as computed in accordance with RCW 39.36.030; NOW
THEREFORE,

5 BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

6 Section 1. Definitions. As used in this ordinance, the following words shall have the
7 meanings hereinafter set forth:

8 "Bond Fund" means the City's Bond Interest and Redemption Fund, previously created
9 and established and to be used for the payment of the principal of, premium, if any, and interest
10 on the Bonds.
11

12 "Bond Register" means the books or records maintained by the Bond Registrar for the
13 purpose of registration of the Bonds.

14 "Bond Registrar" means, unless provided otherwise in the Bond Resolution, the fiscal
15 agency of the State of Washington, or any successor bond registrar selected by the City, whose
16 duties include the registration and authentication of the Bonds, maintenance of the Bond
17 Register, effecting transfer of ownership of the Bonds, and paying the principal of, premium, if
18 any, and interest on the Bonds.
19

20 "Bond Resolution" means the resolution or resolutions of the City Council adopted
21 pursuant to this ordinance to specify certain additional provisions of each series of the Bonds and
22 their sale.

23 "Bonds" means the limited tax general obligation bonds issued pursuant to this
24 ordinance.
25

26 "City" means The City of Seattle, Washington, a municipal corporation duly organized
and existing under the laws of the State of Washington.

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1 "City Council" means the City Council of the City, as duly and regularly constituted from
2 time to time.

3
4 "Code" means the Internal Revenue Code of 1986, as amended, or any successor thereto,
5 and all applicable regulations thereunder.

6 "DTC" means The Depository Trust Company, New York, New York.

7 "Finance Director" means the director of the Finance Division of the Executive Services
8 Department of the City, and any successor to substantially the same duties.

9 "Letter of Representations" means, for each series of Bonds, the Letter of
10 Representations relating to the Bonds to be delivered by the City to DTC, which letter shall be on
11 file with the Finance Director.

12
13 "Record Date" means, in the case of each interest or principal payment or redemption
14 date, the Bond Registrar's close of business on the fifteenth (15th) day of the month preceding
15 the interest or principal payment or redemption date.

16 "Registered Owner" means the person shown on the Bond Register as the owner of one
17 or more Bonds.

18 "Securities Depository" means any one of the following registered securities depositories
19 which has been designated by the City: (i) DTC; (ii) Midwest Securities Trust Company,
20 Chicago, Illinois; (iii) Philadelphia Depository Trust Company, Philadelphia, Pennsylvania; or
21 (iv) such other securities depositories as the City may designate in a certificate of the City
22 delivered to the Bond Registrar.

23
24 "Term Bonds" means any Bonds identified as such in the Bond Resolution authorizing
25 the issuance thereof, which Bond Resolution requires that such bonds be purchased, redeemed,
26 or paid prior to maturity in a schedule established thereby.

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1 Section 2. Debt Capacity. The assessed valuation of the taxable property of the City as
2 ascertained by the last preceding assessment for City purposes for the collection of taxes in the
3 calendar year 2000 is Fifty-Seven Billion, Five Hundred Thirty-Eight Million, Twenty-Six
4 Thousand, Three Hundred Sixty-One Dollars (\$57,538,026,361). The City has outstanding net
5 general indebtedness evidenced by limited tax general obligation bonds, installment purchase
6 contracts, lease purchase agreements and other indebtedness, as of July 31, 2000, in the principal
7 amount of Six Hundred Twelve Million, Two Hundred Thirty-Nine Thousand, Four Hundred
8 Fifty-Four Dollars (\$612,239,454) incurred within the limit of up to one and one-half percent
9 (1½%) of the value of the taxable property within the City permitted for general municipal
10 purposes without a vote of the qualified voters therein, and in addition has outstanding net
11 unlimited tax general obligation debt in the principal amount of One Hundred Forty-One Million,
12 Four Hundred Eighteen Thousand, Eight Hundred Seventy-Three Dollars (\$141,418,873)
13 incurred within the limit of up to two and one-half percent (2½%) of the value of the taxable
14 property within the City for general municipal capital purposes only, net unlimited tax general
15 obligation debt in the principal amount of Thirty-Three Million, One Hundred Seventy-One
16 Thousand, Nine Hundred Thirty-Seven Dollars (\$33,171,937) incurred within the additional
17 limit of up to two and one-half percent (2½%) of the value of the taxable property within the
18 City for utility purposes, and net unlimited tax general obligation debt in the principal amount of
19 Four Million, Four Hundred Eighty-Nine Thousand, One Hundred Ninety Dollars (\$4,489,190)
20 incurred within the additional limit of up to two and one-half percent (2½%) of the value of the
21 taxable property within the City for parks and open space purposes, issued pursuant to votes of
22 the qualified voters of the City. The maximum outstanding principal amount of indebtedness for
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1 which obligations are authorized herein to be issued is not to exceed One Hundred Eighteen
2 Million Five Hundred Twenty Three Thousand (\$118,523,000).
3

4 Section 3. Authorization and Description of Bonds. For the purposes of paying all or
5 part of the costs of construction and acquisition of the projects and facilities set forth in Exhibit A
6 to this ordinance and by this reference incorporated herein, issuing and selling the Bonds, and for
7 other City purposes approved by ordinance, the City is authorized to borrow money on the credit
8 of the City and issue Bonds evidencing that indebtedness in the maximum outstanding principal
9 amount of not to exceed One Hundred Eighteen Million Five Hundred Twenty Three Thousand
10 (\$118,523,000). The general indebtedness to be incurred shall be within the limit of up to one
11 and one-half percent (1½%) of the value of the taxable property within the City permitted for
12 general municipal purposes without a vote of the qualified voters therein. The Bonds may be
13 issued in one or more series; may be combined with other general obligation bonds authorized
14 separately; may evidence a line or lines of credit; shall be designated Limited Tax General
15 Obligation Bonds and shall have such year and series or other designation as determined by the
16 Finance Director or as specified by the Bond Resolution consistent with the provisions of this
17 ordinance; shall be dated as specified by the Bond Resolution; shall be in the denomination of
18 Five Thousand Dollars (\$5,000) or any integral multiple thereof within a single maturity or such
19 other denomination within a maturity as specified by the Bond Resolution; shall be numbered
20 separately, in the manner and with any additional designation as the Bond Registrar deems
21 necessary for the purpose of identification; shall bear interest payable on the dates as specified
22 by the Bond Resolution at such rate or rates as specified and approved by the Bond Resolution,
23 which rate or rates may be fixed or variable, except that (i) if the interest rate on the Bonds is
24 fixed, the net interest cost shall not exceed a weighted average rate of twelve percent (12%) per
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1 annum, and (ii) if the interest rate on the Bonds is variable, the net interest cost during the initial
2 interest rate period for the initial series of Bonds shall not exceed a weighted average rate of
3 twelve percent (12%) per annum. The Bonds shall mature on the dates and in years and amounts
4 as specified by the Bond Resolution, except that the final maturity of any series of Bonds shall
5 not exceed thirty (30) years from the date of issuance. All or some of the Bonds may be Term
6 Bonds, as specified by the Bond Resolution.
7

8 On the date of issuance, the expected life of the capital facilities to be financed with the
9 proceeds of the Bonds shall exceed the final maturity of the Bonds.
10

11 Section 4. Bond Resolution. The City Council may adopt the Bond Resolution and in
12 that resolution may provide for the matters described in this ordinance and such other matters
13 that the City Council deems necessary, appropriate, or desirable to carry out the purposes of this
14 ordinance.
15

16 The Bond Resolution may provide for bond insurance, interest rate swap, cap, floor, or
17 other similar arrangements, and may provide conditions or covenants relating thereto, including
18 additional terms, conditions, and covenants relating to the Bonds that are required by the bond
19 insurer or interest rate swap, cap, floor, or similar counterparty, and are consistent with the
20 provisions of this ordinance, including but not limited to restrictions on investments and
21 requirements of notice to and consent of the bond insurer or interest rate swap, cap, floor, or
22 similar counterparty. The Bond Resolution may approve and authorize the execution and
23 delivery on behalf of the City of any contracts and other documents consistent with the
24 provisions of this ordinance for which the City's approval is necessary or to which the City is a
25 party and that are related or incidental to the initial issuance and sale of the Bonds, the initial
26 establishment of the interest rate or rates on the Bonds, and any tender, purchase, remarketing, or

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1 redemption of the Bonds, including but not limited to agreements with liquidity or credit support
2 providers, bond insurers, remarketing agents, underwriters, lenders, fiscal agencies, interest rate
3 swap, cap, floor, or similar counterparties, custodians, and the Bond Registrar. The Mayor and
4 the Finance Director are each separately authorized to execute and deliver, on behalf of the City,
5 any contracts and other documents consistent with the provisions of this ordinance for which the
6 City's approval is necessary or to which the City is a party and that are related or incidental to
7 the initial issuance and sale of the Bonds.
8

9 The City Council may determine and specify by the Bond Resolution the amount, if any,
10 from the proceeds of or accrued interest on the Bonds to be deposited into specified funds,
11 subfunds, accounts, and subaccounts. In the absence of such a determination and specification in
12 the Bond Resolution, the Finance Director may make such determination and specification.
13

14 Section 5. Registration and Transfer or Exchange of Bonds. The Bonds shall be issued
15 only in registered form as to both principal and interest and shall be recorded on the Bond
16 Register. The Bond Register shall contain the name and mailing address of the Registered
17 Owner of each Bond and the principal amount and number of each of the Bonds held by each
18 Registered Owner.
19

20 Bonds surrendered to the Bond Registrar may be exchanged for Bonds in any authorized
21 denomination of an equal aggregate principal amount and of the same series, interest rate, and
22 maturity. Bonds may be transferred only if endorsed in the manner provided thereon and
23 surrendered to the Bond Registrar. Any exchange or transfer shall be without cost to the
24 Registered Owner or transferee. The Bond Registrar shall not be obligated to exchange or
25 transfer any Bond during the period between any Record Date and the corresponding interest
26 payment, principal payment, or redemption date.

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1 The City may appoint an initial Securities Depository in the Bond Resolution. For so
2 long as DTC is the Securities Depository for the Bonds, DTC or its nominee shall be deemed to
3 be the Registered Owner of the Bonds for all purposes hereunder, and all references in this
4 ordinance or the Bond Resolution to the Registered Owners of the Bonds shall mean DTC or its
5 nominee and shall not mean the owners of any beneficial interests in the Bonds. Payments of
6 principal of, premium, if any, and interest on all outstanding Bonds registered in the name of
7 DTC, its nominee, or its registered assign, shall be made as provided in the relevant Letter of
8 Representations.
9

10 Bonds executed and delivered in fully immobilized form shall be executed and delivered
11 in the form of one fully-registered immobilized certificate for each series and maturity of the
12 Bonds representing the aggregate principal amount of the Bonds of that series and maturity,
13 which Bonds shall (except as provided below for the discontinuation or substitution of Securities
14 Depository) be registered in the name of the Securities Depository or its nominee. For so long as
15 DTC serves as Securities Depository for the Bonds, the Bonds shall be registered in the name of
16 Cede & Co., as nominee of DTC; however, if DTC shall request that the Bonds be registered in
17 the name of a different nominee, the Bond Registrar shall exchange all or any portion of the
18 Bonds for an equal aggregate principal amount of Bonds registered in the name of such other
19 nominee or nominees of DTC. No person other than DTC or its nominee shall be entitled to
20 receive from the City or the Bond Registrar any Bond or any other evidence of ownership of the
21 Bonds, or any right to receive any payment in respect thereof, unless DTC or its nominee shall
22 transfer record ownership of all or any portion of the Bonds on the Bond Register, in connection
23 with discontinuing the book-entry system as provided below or otherwise.
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1 For so long as the Bonds are registered in the name of DTC or any nominee thereof, all
2 payments of the principal of, premium, if any, or interest on the Bonds shall be made to DTC or
3 its nominee in immediately available funds on the dates provided for such payments under this
4 ordinance and the Bond Resolution and at such times and in the manner provided in the relevant
5 Letter of Representations. Each such payment to DTC or its nominee shall be valid and effective
6 to fully discharge all liability of the City or the Bond Registrar with respect to the principal of,
7 premium, if any, or interest on the Bonds to the extent of the sum or sums so paid. In the event
8 of the redemption of less than all of the Bonds of any series and maturity, the Bond Registrar
9 shall not require surrender by DTC or its nominee of the Bonds so redeemed, and DTC or its
10 nominee may retain such Bonds and make an appropriate notation thereon as to the amount of
11 such partial redemption. DTC shall deliver to the Bond Registrar, upon request, a written
12 confirmation of such partial redemption. The records maintained by the Bond Registrar shall be
13 conclusive as to the amount of the Bonds of such series and maturity that have been redeemed.
14

15
16 All transfers of beneficial ownership interests in Bonds registered in the name of DTC or
17 any nominee thereof shall be effected by the procedures of DTC's participants and/or indirect
18 participants for recording and transferring the ownership of beneficial interests.
19

20 The City and the Bond Registrar may treat DTC or any nominee thereof as the sole and
21 exclusive Registered Owner of the Bonds registered in such name for the purposes of payment of
22 the principal of, premium, if any, or interest on those Bonds, selecting Bonds or portions thereof
23 to be redeemed, giving any notice permitted or required to be given to Registered Owners of
24 Bonds under this ordinance or the Bond Resolution, registering the transfer of Bonds, obtaining
25 any consent or other action to be taken by Registered Owners of Bonds, and for all other
26 purposes whatsoever; and the City and the Bond Registrar shall not be affected by any notice to

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1 the contrary. The City and the Bond Registrar shall not have any responsibility or obligation to
2 any direct or indirect DTC participant, any person claiming a beneficial ownership interest in the
3 Bonds under or through DTC or any such direct or indirect participant, or any other person
4 which is not shown on the Bond Register as being a Registered Owner of Bonds, with respect to:
5 (i) the Bonds; (ii) any records maintained by DTC or any such direct or indirect participant; (iii)
6 the payment by DTC or any such direct or indirect participant of any principal of, premium, if
7 any, or interest on the Bonds; (iv) any notice which is permitted or required to be given to
8 Registered Owners of Bonds under this ordinance or the Bond Resolution; (v) the selection by
9 DTC or any direct or indirect DTC participant of any person to receive payment in the event of a
10 partial redemption of the Bonds; or (vi) any consent given or other action taken by DTC as
11 Registered Owner of the Bonds.
12

13
14 For so long as the Bonds are registered in the name of DTC or any nominee thereof, all
15 notices required or permitted to be given to the Registered Owners of such Bonds under this
16 ordinance or the Bond Resolution shall be given to DTC as provided in the relevant Letter of
17 Representations.
18

19 In connection with any notice or other communication to be provided to Registered
20 Owners pursuant to this ordinance or the Bond Resolution by the City or the Bond Registrar with
21 respect to any consent or other action to be taken by Registered Owners of the Bonds, DTC shall
22 consider the date of receipt of notice requesting such consent or other action as the record date
23 for such consent or other action; however, the City or the Bond Registrar may establish a special
24 record date for such consent or other action and shall give DTC notice of such special record
25 date not less than fifteen (15) calendar days in advance of such special record date to the extent
26 practical.

1 Any successor Bond Registrar, in its written acceptance of its duties under this ordinance
2 and the Bond Resolution, shall agree to take any actions necessary from time to time to comply
3 with the requirements of any applicable Letter of Representations.
4

5 The book-entry system for registration of the ownership of the Bonds delivered in fully
6 immobilized form may be discontinued at any time if: (i) after notice to the City and the Bond
7 Registrar, DTC determines to resign as Securities Depository for the Bonds; or (ii) after notice to
8 DTC and the Bond Registrar, the City determines that a continuation of the system of book-entry
9 transfers through DTC (or through a successor Securities Depository) is not in the best interests
10 of the City. In each of such events (unless, in the case described in clause (i) above, the City
11 appoints a successor Securities Depository), the Bonds shall be delivered in registered certificate
12 form to such persons, and in such maturities and principal amounts, as may be designated by
13 DTC, but without any liability on the part of the City or the Bond Registrar for the accuracy of
14 such designation. Whenever DTC requests the City and the Bond Registrar to do so, and for so
15 long as clause (ii) above does not apply, the City and the Bond Registrar shall cooperate with
16 DTC in taking appropriate action after reasonable notice to arrange for another Securities
17 Depository to maintain custody of certificates evidencing the Bonds.
18
19

20 Section 6. Mutilated, Lost, Stolen and Destroyed Bonds. In case any Bonds shall
21 become mutilated or be destroyed, stolen, or lost, the City may, if not then prohibited or
22 otherwise required by law, cause to be executed and delivered a new Bond of like amount, series,
23 interest rate, maturity date, and tenor in exchange and substitution for and upon cancellation of
24 such mutilated Bonds, or in lieu of and in substitution for such destroyed, stolen, or lost Bonds,
25 upon payment by the Registered Owner thereof of the reasonable expenses and charges of the
26 City and the Bond Registrar in connection therewith, and in the case of a Bond destroyed, stolen,

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1 or lost, the filing with the Bond Registrar of evidence satisfactory to the City that such Bond was
2 destroyed, stolen, or lost, and of the ownership thereof, and furnishing the City and the Bond
3 Registrar with indemnity satisfactory to each of them. If the mutilated, destroyed, stolen, or lost
4 Bond already has matured or been called for redemption in accordance with its terms, it shall not
5 be necessary to issue a new Bond prior to payment.
6

7 Section 7. Payment of Bonds. Principal of, premium, if any, and interest on the Bonds
8 shall be payable in lawful money of the United States of America. Interest on the Bonds shall be
9 paid by checks, drafts, or warrants of the Bond Registrar, or, if requested in writing prior to the
10 Record Date by the Registered Owner of One Million Dollars (\$1,000,000) or more in principal
11 amount of Bonds, by wire, mailed or transferred on the interest payment date to Registered
12 Owners of the Bonds as those Registered Owners and their addresses and accounts appear on the
13 Bond Register on the Record Date (or other record date established in the Bond Resolution).
14 Principal of and premium, if any, on the Bonds shall be payable at maturity or on such date as
15 may be specified for prior redemption upon presentation and surrender of the Bonds by the
16 Registered Owners at the principal corporate trust office or offices of the Bond Registrar.
17 Notwithstanding the foregoing, payment of any Bonds registered in the name of DTC or its
18 nominee shall be made in accordance with the relevant Letter of Representations.
19
20

21 Section 8. Redemption and Open Market Purchase of Bonds.

22 (a) Optional Redemption. All or some of the Bonds may be subject to redemption
23 prior to their stated maturity dates at the option of the City at the times and on the terms set forth
24 in the Bond Resolution.

25 (b) Mandatory Redemption. The City shall redeem any Term Bonds, if not redeemed
26 under the optional redemption provisions set forth in the Bond Resolution or purchased in the

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1 open market under the provisions set forth below, by lot (or in such other manner as the Bond
2 Registrar shall determine) at par plus accrued interest on the dates and in the years and principal
3 amounts as set forth in the Bond Resolution.
4

5 If the City redeems Term Bonds under the optional redemption provisions set forth in the
6 Bond Resolution or purchases Term Bonds in the open market as set forth below, the Term
7 Bonds so redeemed or purchased (irrespective of their redemption or purchase prices) shall be
8 credited at the par amount thereof against the remaining mandatory redemption requirements in a
9 manner to be determined by the Finance Director or, if no such determination is made, on a pro-
10 rata basis.
11

12 (c) Partial Redemption. Whenever less than all of the Bonds of a single maturity are
13 to be redeemed, the Bond Registrar shall select the Bonds or portions thereof to be redeemed
14 from the Bonds of that maturity by lot, or in such other manner as the Bond Registrar shall
15 determine, except that, for so long as the Bonds are registered in the name of DTC or its
16 nominee, DTC shall select the Bonds or portions thereof to be redeemed in accordance with the
17 relevant Letter of Representations. In no event shall any Bond be outstanding in a principal
18 amount that is not an authorized denomination.
19

20 Portions of the principal amount of any Bond, in integral amounts of Five Thousand
21 Dollars (\$5,000), may be redeemed, unless otherwise provided in the Bond Resolution. If less
22 than all of the principal amount of any Bond is redeemed, upon surrender of that Bond at the
23 principal offices of the Bond Registrar, there shall be issued to the Registered Owner, without
24 charge therefor, a new Bond (or Bonds, at the option of the Registered Owner) of the same
25 series, maturity, and interest rate in any of the denominations authorized by the Bond Resolution
26 in the aggregate total principal amount remaining unredeemed.

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1 (d) Open Market Purchase. The City reserves the right and option to purchase any or
2 all of the Bonds in the open market at any time at any price acceptable to the City plus accrued
3 interest to the date of purchase.
4

5 (e) Bonds to be Canceled. All Bonds purchased or redeemed under this Section shall
6 be canceled.

7 Section 9. Notice of Redemption. The City shall cause notice of any intended
8 redemption of Bonds to be given not less than thirty (30) nor more than sixty (60) days prior to
9 the date fixed for redemption by first-class mail, postage prepaid, to the Registered Owner of any
10 Bond to be redeemed at the address appearing on the Bond Register at the time the Bond
11 Registrar prepares the notice, and the requirements of this sentence shall be deemed to have been
12 fulfilled when notice has been mailed as so provided, whether or not it is actually received by the
13 Registered Owner of any Bond. Interest on Bonds called for redemption shall cease to accrue on
14 the date fixed for redemption unless the Bond or Bonds called are not redeemed when presented
15 pursuant to the call. In addition, the redemption notice shall be mailed by the Bond Registrar
16 within the same period, postage prepaid, to Moody's Investors Service, Inc., and Standard &
17 Poor's Ratings Services, a Division of The McGraw-Hill Companies, Inc., at their offices in New
18 York, New York, or their successors, to any bond insurer for the Bonds, and to such other
19 persons and with such additional information as the Finance Director shall determine or as
20 specified in the Bond Resolution, but none of these additional mailings shall be a condition
21 precedent to the redemption of Bonds.
22

23 Section 10. Failure to Redeem Bonds. If any Bond is not redeemed when properly
24 presented at its maturity or call date, the City shall be obligated to pay interest on that Bond at
25 the same rate provided in the Bond from and after its maturity or call date until that Bond,
26

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1 principal, premium, if any, and interest, is paid in full or until sufficient money for its payment in
2 full is on deposit in the Bond Fund and the Bond has been called for payment by giving notice of
3 that call to the Registered Owner of each of those unpaid Bonds.
4

5 Section 11. Form and Execution of Bonds. The Bonds shall be typed, printed,
6 photocopied, or lithographed on good bond paper in a form consistent with the provisions of this
7 ordinance, the Bond Resolution, and State law; shall be signed by the Mayor and Finance
8 Director, either or both of whose signatures may be manual or in facsimile; and the seal of the
9 City or a facsimile reproduction thereof shall be impressed or printed thereon.
10

11 Only Bonds bearing a Certificate of Authentication in substantially the following form
12 (with the designation, year, and series of the Bonds adjusted consistent with this ordinance),
13 manually signed by the Bond Registrar, shall be valid or obligatory for any purpose or entitled to
14 the benefits of this ordinance:

15 CERTIFICATE OF AUTHENTICATION

16 This Bond is one of the fully registered The City of Seattle, Washington, Limited
17 Tax General Obligation Bonds, [Year] [Series], described in the Bond Ordinance.

18 BOND REGISTRAR

19
20 By _____
21 Authorized Signer

22 The authorized signing of a Certificate of Authentication shall be conclusive evidence that the
23 Bond so authenticated has been duly executed, authenticated, and delivered and is entitled to the
24 benefits of this ordinance.

25 If any officer whose facsimile signature appears on the Bonds ceases to be an officer of
26 the City authorized to sign bonds before the Bonds bearing his or her manual or facsimile

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1 signature are authenticated or delivered by the Bond Registrar or issued by the City, those Bonds
2 nevertheless may be authenticated, delivered, and issued and, when authenticated, issued, and
3 delivered, shall be as binding on the City as though that person had continued to be an officer of
4 the City authorized to sign bonds. Any Bond also may be signed on behalf of the City by any
5 person who, on the actual date of signing of the Bond, is an officer of the City authorized to sign
6 bonds, although he or she did not hold the required office on the date of issuance of the Bonds.
7

8 Section 12. Bond Registrar. The Bond Registrar shall keep, or cause to be kept, at its
9 principal corporate trust office, sufficient books for the registration and transfer of the Bonds,
10 which shall be open to inspection by the City at all times. The Bond Registrar is authorized, on
11 behalf of the City, to authenticate and deliver Bonds transferred or exchanged in accordance with
12 the provisions of the Bonds and this ordinance, to serve as the City's paying agent for the Bonds,
13 and to carry out all of the Bond Registrar's powers and duties under this ordinance and Seattle
14 Municipal Code Chapter 5.10 establishing a system of registration for the City's bonds and
15 obligations, as that chapter now exists or may hereafter be amended. The City reserves the right
16 in its discretion to appoint special paying agents, registrars, or trustees in connection with the
17 payment of some or all of the principal of, premium, if any, or interest on the Bonds. If a new
18 Bond Registrar is appointed by the City, notice of the name and address of the new Bond
19 Registrar shall be mailed to the Registered Owners of the Bonds appearing on the Bond Register
20 at the time the Bond Registrar prepares the notice. The notice may be mailed together with the
21 next interest payment due on the Bonds, but, to the extent practicable, shall be mailed no later
22 than the Record Date for any principal payment or redemption date of any Bond.
23

24 The Bond Registrar shall be responsible for its representations contained in the Bond
25 Registrar's Certificate of Authentication on the Bonds. The Bond Registrar may become the
26

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1 Registered Owner of Bonds with the same rights it would have if it were not the Bond Registrar
2 and, to the extent permitted by law, may act as depository for and permit any of its officers or
3 directors to act as members of, or in any other capacity with respect to, any committee formed to
4 protect the rights of the Registered Owners of the Bonds.
5

6 Section 13. Pledge of Taxes. For so long as any of the Bonds is outstanding, the City
7 irrevocably pledges to include in its budget and levy taxes annually within the constitutional and
8 statutory tax limitations provided by law without a vote of the electors of the City on all of the
9 taxable property within the City in an amount sufficient, together with other money legally
10 available and to be used therefor, to pay when due the principal of and interest on the Bonds, and
11 the full faith, credit, and resources of the City are pledged irrevocably for the annual levy and
12 collection of those taxes and the prompt payment of that principal and interest.
13

14 Section 14. Preservation of Tax Exemption for Interest on Bonds. The City covenants
15 that it will take all actions, consistent with the terms of the Bonds, this ordinance, and the Bond
16 Resolution, reasonably within its power and necessary to prevent interest on the Bonds from
17 being included in gross income for federal income tax purposes, and the City will neither take
18 any action nor make or permit any use of proceeds of the Bonds or other funds of the City treated
19 as proceeds of the Bonds at any time during the term of the Bonds which will cause interest on
20 the Bonds to be included in gross income for federal income tax purposes.
21

22 The City has not been notified of any listing or proposed listing by the Internal Revenue
23 Service to the effect that it is a bond issuer whose arbitrage certifications may not be relied upon.
24

25 Section 15. Continuing Disclosure. The City shall undertake to provide for the benefit of
26 holders of the Bonds certain annual financial information and operating data of the type included
in the final official statement for those Bonds, if any, as well as disclosure of certain material

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1 events respecting the Bonds, in the manner and to the extent required by United States Securities
2 and Exchange Commission Rule 15c2-12. The particular terms of any such undertaking shall be
3 set forth in the Bond Resolution.
4

5 Section 16. Refunding or Defeasance of the Bonds. The City may issue refunding
6 obligations pursuant to the laws of the State of Washington or use money available from any
7 other lawful source to pay when due the principal of, premium, if any, and interest on the Bonds,
8 or any portion thereof included in a refunding or defeasance plan, and to redeem and retire,
9 refund, or defease those Bonds (the "defeased Bonds") and to pay the costs of such refunding or
10 defeasance. Unless otherwise provided in the Bond Resolution, if money and/or government
11 obligations (as that term is defined in RCW 39.53.010, as it now exists or may hereafter be
12 amended) maturing at a time or times and in an amount sufficient, together with earned income
13 from the investment thereof, to redeem and retire, refund, or defease the defeased Bonds in
14 accordance with their terms, are set aside in a special trust fund or escrow account irrevocably
15 pledged to that redemption, retirement, or defeasance (the "trust account"), then all right and
16 interest of the owners of the defeased Bonds in the covenants of this ordinance and in the funds
17 and accounts pledged to the payment of the defeased Bonds, other than the right to receive the
18 funds in the trust account, thereafter shall cease and become void. Such owners thereafter shall
19 have the right to receive payment of the principal of, premium, if any, and interest or redemption
20 price on the defeased Bonds from the trust account. The City shall include in the refunding or
21 defeasance plan such provisions as the City deems necessary for the random selection of any
22 defeased Bonds that constitute less than all of a particular maturity of the Bonds, for notice of the
23 defeasance to be given to the Registered Owners of the defeased Bonds, and to such other
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1 persons as the City shall determine, and for any required replacement of Bonds for defeased
2 Bonds.
3

4 After the establishing and full funding of such a trust account, the defeased Bonds shall
5 no longer be deemed outstanding, and the City may apply any money in any other fund or
6 account established for the payment or redemption of the defeased Bonds to any lawful purposes
7 as it shall determine.

8 Section 17. Sale of Bonds. The Finance Director may provide for the sale of each series
9 of the Bonds by public sale or by a negotiated sale with the successful underwriter or other
10 financial institution chosen through a selection process acceptable to the Finance Director,
11 including the evaluation of responses to the requests for proposals. The Finance Director is
12 authorized to specify a date and time of sale of the Bonds, to give notice of that sale, to
13 determine any bid requirements and criteria for determining the award of the bid, to provide for
14 the use of an electronic bidding mechanism, and to specify other matters in his or her
15 determination necessary, appropriate, or desirable to carry out the sale of the Bonds. The terms
16 of that sale shall be consistent with this ordinance and the Bond Resolution and shall be
17 confirmed by the Bond Resolution. The Bonds shall be delivered to the purchasers as provided
18 in the Bond Resolution immediately upon payment to the City of the purchase price plus accrued
19 interest to the date of closing in immediately available federal funds in Seattle, Washington, at
20 the City's expense or at another time or place upon which the Finance Director and the purchaser
21 may mutually agree at the purchaser's expense.

22 CUSIP numbers will be printed on the Bonds if requested by the purchasers, but neither
23 failure to print CUSIP numbers on any Bond nor error with respect thereto shall constitute cause
24 for a failure or refusal by the purchasers to accept delivery of and pay for the Bonds in
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1 accordance with the purchase offer. All expenses in relation to the printing of CUSIP numbers
2 on the Bonds shall be paid by the City, but the fee of the CUSIP Service Bureau for the
3 assignment of those numbers shall be the responsibility of and shall be paid by the purchasers.
4

5 The City will cause the Bonds to be typed, printed, photocopied, or lithographed, sealed,
6 and executed and will furnish the approving legal opinion of nationally recognized bond counsel
7 to the City regarding the Bonds, the opinion also being printed on each Bond unless the Bond is
8 typed or photocopied.

9 Section 18. Temporary Bonds. Pending the printing, execution, and delivery to the
10 purchasers of definitive Bonds, the City may cause to be executed and delivered to the
11 purchasers a single temporary Bond for each series in the total principal amount of the Bonds of
12 that series. Each temporary Bond shall bear the same date of issuance, interest rates, principal
13 payment dates, and terms and covenants as the definitive Bonds, shall be issued as a fully
14 registered Bond in the name of the purchasers or their nominees, and shall be in such form as is
15 acceptable to the purchasers. Each temporary Bond shall be exchanged for the relevant
16 definitive Bonds as soon as they are printed, executed, and available for delivery.
17

18 Section 19. Creation of Fund; Deposit and Use of Proceeds. The Finance Director is
19 hereby authorized to create in the City Treasury the 2001 Capital Facilities Bond Fund, from
20 which may be paid the costs of projects for which proceeds of the Bonds may be spent, other
21 than those projects the costs of which are to be paid from a fund that already exists in the City
22 Treasury. Unless provided otherwise in the Bond Resolution, the principal proceeds and
23 premium, if any, received from the sale and delivery of the Bonds shall be paid into or allocated
24 to such funds, accounts, or subaccounts of the City Treasury as the Finance Director may
25 designate, and used for the purposes set forth in Section 3 of this ordinance.
26

1 The Finance Director may establish and may transfer Bond proceeds among such funds,
2 accounts, or subaccounts in the City Treasury, or make interfund loans pursuant to Seattle
3 Municipal Code Section 5.06.030 from other City accounts or funds, and is authorized to make
4 such transfer or deposit on terms he or she may deem necessary, appropriate, or desirable to
5 carry out the purposes of this ordinance and consistent with the Bond Resolution.
6

7 There previously has been created and established in the City Treasury the Bond Fund.
8 Accrued interest on the Bonds, if any, received from the sale and delivery of the Bonds shall be
9 paid or allocated into the Bond Fund prior to the first debt service payment date with respect to
10 those Bonds. Until needed to pay the costs described herein, the City may invest principal
11 proceeds of the Bonds temporarily in any legal investment, and the investment earnings shall be
12 deposited in such funds and accounts as may be designated by the Finance Director. Earnings
13 subject to a federal tax or rebate requirement may be withdrawn from any such fund or account
14 and used for those tax or rebate purposes. All taxes collected for and allocated to the payment of
15 the principal of and interest on the Bonds shall be deposited in the Bond Fund.
16

17 Any Bond proceeds remaining after the accomplishment of the purposes set forth in
18 Section 3 and in this Section, or after the City Council has determined that the expenditure of
19 Bond proceeds for those purposes is no longer necessary or appropriate, may be used to pay
20 principal of and interest on the Bonds consistent with applicable law.
21

22 Section 20. Amendment to Section 15 of Ordinance 119020. Section 15 of Ordinance
23 119020 is amended to read as follows:

24 The City shall undertake to provide for the benefit of ~~((registered owners))~~
25 holders of the Bonds certain annual financial information and operating data of
26 the type included in the final official statement for those Bonds, if any, as well as

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1 disclosure of certain material events respecting the Bonds, in the manner and to
2 the extent required by United States Securities and Exchange Commission Rule
3 15c2-12. The particular terms of ~~((the))~~ any such undertaking shall be set forth in
4 the Bond Resolution.
5

6 Section 21. General Authorization. The Mayor and the Finance Director and each of the
7 other appropriate officers of the City are each authorized and directed to do everything as in their
8 judgment may be necessary, appropriate, or desirable in order to carry out the terms and
9 provisions of, and complete the transactions contemplated by, this ordinance. In particular, and
10 without limitation, the Finance Director may, in his or her discretion and without further action
11 by the City Council, (i) issue requests for proposals for underwriting or financing facilities and
12 execute engagement letters with underwriters or other financial institutions based on responses to
13 such requests, (ii) comply with any continuing disclosure requirements applicable to the Bonds,
14 and (iii) change the Bond Registrar or Securities Depository for the Bonds.
15

16 Section 22. Severability. The provisions of this ordinance are declared to be separate
17 and severable. If a court of competent jurisdiction, all appeals having been exhausted or all
18 appeal periods having run, finds any provision of this ordinance to be invalid or unenforceable as
19 to any person or circumstance, such offending provision shall, if feasible, be deemed to be
20 modified to be within the limits of enforceability or validity. However, if the offending
21 provision cannot be so modified, it shall be null and void with respect to the particular person or
22 circumstance, and all other provisions of this ordinance in all other respects, and the offending
23 provision with respect to all other persons and all other circumstances, shall remain valid and
24 enforceable.
25
26

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1 Section 23. Ratification of Prior Acts. Any action taken consistent with the authority but
2 prior to the effective date of this ordinance, including, if applicable, but not limited to issuing
3 requests for proposals for financing or underwriting services, executing engagement letters for
4 financing or underwriting services based on responses to such requests, giving notices of the sale
5 of Bonds, adopting the Bond Resolution, executing contracts or other documents, making fund
6 transfers, and paying warrants, is ratified, approved, and confirmed.
7

8 Section 24. Headings. The section headings in this ordinance are used for convenience
9 only and shall not constitute a substantive portion of this ordinance.
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Section 25. Effective Date. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, this ordinance shall take effect as provided by Seattle Municipal Code Section 1.04.020.

PASSED by the City Council the 27th day of November, 2000, and signed by me in open session in authentication of its passage this 27th day of November, 2000.

Margaret Chaper
President of the City Council

Approved by me this 29th day of NOVEMBER, 2000.

Paul Schulz
Mayor

Filed this 30th day of November, 2000.

acting Quin Donofield
City Clerk

(SEAL)

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EXHIBIT A

Project or Facility	Principal Amount
Justice Center and City Hall	\$ 69,243,000
Civic Center Plan - Park 90/5	5,262,000
Civic Center Plan - Key Tower	2,565,000
Southwest Precinct	8,412,000
Safety and Justice Information Technology Projects	8,155,000
Ballard Neighborhood Center	3,590,000
South Lake Union Transportation Improvements*	4,616,000
Miscellaneous Information Technology	5,642,000
Police Training Facility	3,077,000
Training Facilities	6,504,000
Benaroya Hall	857,000
McCaw Performance Hall	600,000
Total	\$ 118,523,000

* Fairview and Valley Street Improvements

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STATE OF WASHINGTON - KING COUNTY

--SS.

125502
City of Seattle, Clerk's Office

No. Ordinance In

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:120169 Ord In Ful

was published on

12/14/00

The amount of the fee charged for the foregoing publication is the sum of \$0.00, which amount has been paid in full.

Melvin J. Pasqua
Subscribed and sworn to before me on

12/14/00
[Signature]
Notary public for the State of Washington,
residing in Seattle

Affidavit of Publication

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ORDINANCE _____

AN ORDINANCE relating to capital facilities; authorizing and providing for the issuance and sale of limited tax general obligation bonds, in one or more series, for the purposes of paying all or part of the costs of designing, constructing, and acquiring property for various City purposes, including a municipal civic center and a new Southwest Precinct Police Station, issuing and selling the bonds, and for other City purposes approved by ordinance; providing for terms, covenants, and manner of sale of the bonds; authorizing the creation of a fund in the City Treasury; and amending Section 15 of Ordinance 119020 concerning continuing disclosure.

WHEREAS, The City of Seattle, Washington (the "City"), authorized by Ordinance 118757 passed by the City Council on October 20, 1997, the design of a new Municipal Court Building; by Ordinance 119304 passed by the City Council on December 14, 1998, programming and design for the Municipal Civic Center, including the new City Hall and further design of a new Municipal Courthouse and Police Headquarters; by Ordinance 119432 passed by the City Council on April 12, 1999, design for the new Southwest Precinct Police Station; and by Ordinance 119630 passed by the City Council on August 30, 1999, bonds in the principal amount not to exceed Ninety Million Dollars (\$90,000,000) of which Eighty Million Five Hundred Thousand Dollars (\$80,500,000) have been issued pursuant to Resolution 30056 passed by the City Council on October 12, 1999, to pay for part of the Municipal Civic Center and the new Southwest Precinct Police Station; and

WHEREAS, the City has determined it to be in the best interest of the City that the City borrow money by the issuance of limited tax general obligation bonds for the purpose of providing funds with which to pay a part of the cost of construction and acquisition of the projects and facilities set forth in Exhibit A to this ordinance and by this reference incorporated herein, issuing and selling the bonds, and for other City purposes approved by ordinance, in the principal amount not to exceed One Hundred Twenty-One Million Dollars (\$121,000,000) and

WHEREAS, by Ordinance 119020 of the City, passed by the City Council on May 26, 1998, the City authorized and provided for the issuance of limited tax general obligation bonds in order to pay all or part of the costs of constructing a parking garage for the new central library, the costs of issuance and sale of the bonds, and for other City purposes approved by ordinance, in the principal amount not to exceed Five Million Eight Hundred Thousand Dollars; and

WHEREAS, the City wishes to amend the statement in Section 15 of Ordinance 119020 concerning continuing disclosure before the bonds authorized by that ordinance are issued; and

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1 WHEREAS, RCW 39.36.020 authorizes the City to incur indebtedness without assent of the
2 voters of the City so long as such indebtedness does not result in a total nonvoted
3 indebtedness of the City in excess of one and one-half percent (1½%) of the value of
4 taxable property within the City as computed in accordance with RCW 39.36.030; NOW
THEREFORE,

5 BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

6 Section 1. Definitions. As used in this ordinance, the following words shall have the
7 meanings hereinafter set forth:

8 "Bond Fund" means the City's Bond Interest and Redemption Fund, previously created
9 and established and to be used for the payment of the principal of, premium, if any, and interest
10 on the Bonds.

11 "Bond Register" means the books or records maintained by the Bond Registrar for the
12 purpose of registration of the Bonds.

13 "Bond Registrar" means, unless provided otherwise in the Bond Resolution, the fiscal
14 agency of the State of Washington, or any successor bond registrar selected by the City, whose
15 duties include the registration and authentication of the Bonds, maintenance of the Bond
16 Register, effecting transfer of ownership of the Bonds, and paying the principal of, premium, if
17 any, and interest on the Bonds.

18 "Bond Resolution" means the resolution or resolutions of the City Council adopted
19 pursuant to this ordinance to specify certain additional provisions of each series of the Bonds and
20 their sale.

21 "Bonds" means the limited tax general obligation bonds issued pursuant to this
22 ordinance.

23 "City" means The City of Seattle, Washington, a municipal corporation duly organized
24 and existing under the laws of the State of Washington.
25
26

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1 "City Council" means the City Council of the City, as duly and regularly constituted from
2 time to time.

3 "Code" means the Internal Revenue Code of 1986, as amended, or any successor thereto,
4 and all applicable regulations thereunder.

5 "DTC" means The Depository Trust Company, New York, New York.

6 "Finance Director" means the director of the Finance Division of the Executive Services
7 Department of the City, and any successor to substantially the same duties.

8 "Letter of Representations" means, for each series of Bonds, the Letter of
9 Representations relating to the Bonds to be delivered by the City to DTC, which letter shall be on
10 file with the Finance Director.

11 "Record Date" means, in the case of each interest or principal payment or redemption
12 date, the Bond Registrar's close of business on the fifteenth (15th) day of the month preceding
13 the interest or principal payment or redemption date.

14 "Registered Owner" means the person shown on the Bond Register as the owner of one
15 or more Bonds.

16 "Securities Depository" means any one of the following registered securities depositories
17 which has been designated by the City: (i) DTC; (ii) Midwest Securities Trust Company,
18 Chicago, Illinois; (iii) Philadelphia Depository Trust Company, Philadelphia, Pennsylvania; or
19 (iv) such other securities depositories as the City may designate in a certificate of the City
20 delivered to the Bond Registrar.

21 "Term Bonds" means any Bonds identified as such in the Bond Resolution authorizing
22 the issuance thereof, which Bond Resolution requires that such bonds be purchased, redeemed,
23 or paid prior to maturity in a schedule established thereby.

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1 Section 2. Debt Capacity. The assessed valuation of the taxable property of the City as
2 ascertained by the last preceding assessment for City purposes for the collection of taxes in the
3 calendar year 2000 is Fifty-Seven Billion, Five Hundred Thirty-Eight Million, Twenty-Six
4 Thousand, Three Hundred Sixty-One Dollars (\$57,538,026,361). The City has outstanding net
5 general indebtedness evidenced by limited tax general obligation bonds, installment purchase
6 contracts, lease purchase agreements and other indebtedness, as of July 31, 2000, in the principal
7 amount of Six Hundred Twelve Million, Two Hundred Thirty-Nine Thousand, Four Hundred
8 Fifty-Four Dollars (\$612,239,454) incurred within the limit of up to one and one-half percent
9 (1½%) of the value of the taxable property within the City permitted for general municipal
10 purposes without a vote of the qualified voters therein, and in addition has outstanding net
11 unlimited tax general obligation debt in the principal amount of One Hundred Forty-One Million,
12 Four Hundred Eighteen Thousand, Eight Hundred Seventy-Three Dollars (\$141,418,873)
13 incurred within the limit of up to two and one-half percent (2½%) of the value of the taxable
14 property within the City for general municipal capital purposes only, net unlimited tax general
15 obligation debt in the principal amount of Thirty-Three Million, One Hundred Seventy-One
16 Thousand, Nine Hundred Thirty-Seven Dollars (\$33,171,937) incurred within the additional
17 limit of up to two and one-half percent (2½%) of the value of the taxable property within the
18 City for utility purposes, and net unlimited tax general obligation debt in the principal amount of
19 Four Million, Four Hundred Eighty-Nine Thousand, One Hundred Ninety Dollars (\$4,489,190)
20 incurred within the additional limit of up to two and one-half percent (2½%) of the value of the
21 taxable property within the City for parks and open space purposes, issued pursuant to votes of
22 the qualified voters of the City. The maximum outstanding principal amount of indebtedness for
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1 which obligations are authorized herein to be issued is not to exceed One Hundred Twenty-One
2 Million Dollars (\$121,000,000).

3
4 Section 3. Authorization and Description of Bonds. For the purposes of paying all or
5 part of the costs of construction and acquisition of the projects and facilities set forth in Exhibit A
6 to this ordinance and by this reference incorporated herein, issuing and selling the Bonds, and for
7 other City purposes approved by ordinance, the City is authorized to borrow money on the credit
8 of the City and issue Bonds evidencing that indebtedness in the maximum outstanding principal
9 amount of not to exceed One Hundred Twenty-One Million Dollars (\$121,000,000). The general
10 indebtedness to be incurred shall be within the limit of up to one and one-half percent (1½%) of
11 the value of the taxable property within the City permitted for general municipal purposes
12 without a vote of the qualified voters therein. The Bonds may be issued in one or more series;
13 may be combined with other general obligation bonds authorized separately; may evidence a line
14 or lines of credit; shall be designated Limited Tax General Obligation Bonds and shall have such
15 year and series or other designation as determined by the Finance Director or as specified by the
16 Bond Resolution consistent with the provisions of this ordinance; shall be dated as specified by
17 the Bond Resolution; shall be in the denomination of Five Thousand Dollars (\$5,000) or any
18 integral multiple thereof within a single maturity or such other denomination within a maturity as
19 specified by the Bond Resolution; shall be numbered separately, in the manner and with any
20 additional designation as the Bond Registrar deems necessary for the purpose of identification;
21 shall bear interest payable on the dates as specified by the Bond Resolution at such rate or rates
22 as specified and approved by the Bond Resolution, which rate or rates may be fixed or variable,
23 except that (i) if the interest rate on the Bonds is fixed, the net interest cost shall not exceed a
24 weighted average rate of twelve percent (12%) per annum, and (ii) if the interest rate on the
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1 Bonds is variable, the net interest cost during the initial interest rate period for the initial series of
2 Bonds shall not exceed a weighted average rate of twelve percent (12%) per annum. The Bonds
3 shall mature on the dates and in years and amounts as specified by the Bond Resolution, except
4 that the final maturity of any series of Bonds shall not exceed thirty (30) years from the date of
5 issuance. All or some of the Bonds may be Term Bonds, as specified by the Bond Resolution.
6

7 On the date of issuance, the expected life of the capital facilities to be financed with the
8 proceeds of the Bonds shall exceed the final maturity of the Bonds.
9

10 Section 4. Bond Resolution. The City Council may adopt the Bond Resolution and in
11 that resolution may provide for the matters described in this ordinance and such other matters
12 that the City Council deems necessary, appropriate, or desirable to carry out the purposes of this
13 ordinance.

14 The Bond Resolution may provide for bond insurance, interest rate swap, cap, floor, or
15 other similar arrangements, and may provide conditions or covenants relating thereto, including
16 additional terms, conditions, and covenants relating to the Bonds that are required by the bond
17 insurer or interest rate swap, cap, floor, or similar counterparty, and are consistent with the
18 provisions of this ordinance, including but not limited to restrictions on investments and
19 requirements of notice to and consent of the bond insurer or interest rate swap, cap, floor, or
20 similar counterparty. The Bond Resolution may approve and authorize the execution and
21 delivery on behalf of the City of any contracts and other documents consistent with the
22 provisions of this ordinance for which the City's approval is necessary or to which the City is a
23 party and that are related or incidental to the initial issuance and sale of the Bonds, the initial
24 establishment of the interest rate or rates on the Bonds, and any tender, purchase, remarketing, or
25 redemption of the Bonds, including but not limited to agreements with liquidity or credit support
26

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1 providers, bond insurers, remarketing agents, underwriters, lenders, fiscal agencies, interest rate
2 swap, cap, floor, or similar counterparties, custodians, and the Bond Registrar. The Mayor and
3 the Finance Director are each separately authorized to execute and deliver, on behalf of the City,
4 any contracts and other documents consistent with the provisions of this ordinance for which the
5 City's approval is necessary or to which the City is a party and that are related or incidental to
6 the initial issuance and sale of the Bonds.
7

8 The City Council may determine and specify by the Bond Resolution the amount, if any,
9 from the proceeds of or accrued interest on the Bonds to be deposited into specified funds,
10 subfunds, accounts, and subaccounts. In the absence of such a determination and specification in
11 the Bond Resolution, the Finance Director may make such determination and specification.
12

13 Section 5. Registration and Transfer or Exchange of Bonds. The Bonds shall be issued
14 only in registered form as to both principal and interest and shall be recorded on the Bond
15 Register. The Bond Register shall contain the name and mailing address of the Registered
16 Owner of each Bond and the principal amount and number of each of the Bonds held by each
17 Registered Owner.
18

19 Bonds surrendered to the Bond Registrar may be exchanged for Bonds in any authorized
20 denomination of an equal aggregate principal amount and of the same series, interest rate, and
21 maturity. Bonds may be transferred only if endorsed in the manner provided thereon and
22 surrendered to the Bond Registrar. Any exchange or transfer shall be without cost to the
23 Registered Owner or transferee. The Bond Registrar shall not be obligated to exchange or
24 transfer any Bond during the period between any Record Date and the corresponding interest
25 payment, principal payment, or redemption date.
26

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1 The City may appoint an initial Securities Depository in the Bond Resolution. For so
2 long as DTC is the Securities Depository for the Bonds, DTC or its nominee shall be deemed to
3 be the Registered Owner of the Bonds for all purposes hereunder, and all references in this
4 ordinance or the Bond Resolution to the Registered Owners of the Bonds shall mean DTC or its
5 nominee and shall not mean the owners of any beneficial interests in the Bonds. Payments of
6 principal of, premium, if any, and interest on all outstanding Bonds registered in the name of
7 DTC, its nominee, or its registered assign, shall be made as provided in the relevant Letter of
8 Representations.
9

10 Bonds executed and delivered in fully immobilized form shall be executed and delivered
11 in the form of one fully-registered immobilized certificate for each series and maturity of the
12 Bonds representing the aggregate principal amount of the Bonds of that series and maturity,
13 which Bonds shall (except as provided below for the discontinuation or substitution of Securities
14 Depository) be registered in the name of the Securities Depository or its nominee. For so long as
15 DTC serves as Securities Depository for the Bonds, the Bonds shall be registered in the name of
16 Cede & Co., as nominee of DTC; however, if DTC shall request that the Bonds be registered in
17 the name of a different nominee, the Bond Registrar shall exchange all or any portion of the
18 Bonds for an equal aggregate principal amount of Bonds registered in the name of such other
19 nominee or nominees of DTC. No person other than DTC or its nominee shall be entitled to
20 receive from the City or the Bond Registrar any Bond or any other evidence of ownership of the
21 Bonds, or any right to receive any payment in respect thereof, unless DTC or its nominee shall
22 transfer record ownership of all or any portion of the Bonds on the Bond Register, in connection
23 with discontinuing the book-entry system as provided below or otherwise.
24
25
26

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1 For so long as the Bonds are registered in the name of DTC or any nominee thereof, all
2 payments of the principal of, premium, if any, or interest on the Bonds shall be made to DTC or
3 its nominee in immediately available funds on the dates provided for such payments under this
4 ordinance and the Bond Resolution and at such times and in the manner provided in the relevant
5 Letter of Representations. Each such payment to DTC or its nominee shall be valid and effective
6 to fully discharge all liability of the City or the Bond Registrar with respect to the principal of,
7 premium, if any, or interest on the Bonds to the extent of the sum or sums so paid. In the event
8 of the redemption of less than all of the Bonds of any series and maturity, the Bond Registrar
9 shall not require surrender by DTC or its nominee of the Bonds so redeemed, and DTC or its
10 nominee may retain such Bonds and make an appropriate notation thereon as to the amount of
11 such partial redemption. DTC shall deliver to the Bond Registrar, upon request, a written
12 confirmation of such partial redemption. The records maintained by the Bond Registrar shall be
13 conclusive as to the amount of the Bonds of such series and maturity that have been redeemed.
14

15
16 All transfers of beneficial ownership interests in Bonds registered in the name of DTC or
17 any nominee thereof shall be effected by the procedures of DTC's participants and/or indirect
18 participants for recording and transferring the ownership of beneficial interests.
19

20 The City and the Bond Registrar may treat DTC or any nominee thereof as the sole and
21 exclusive Registered Owner of the Bonds registered in such name for the purposes of payment of
22 the principal of, premium, if any, or interest on those Bonds, selecting Bonds or portions thereof
23 to be redeemed, giving any notice permitted or required to be given to Registered Owners of
24 Bonds under this ordinance or the Bond Resolution, registering the transfer of Bonds, obtaining
25 any consent or other action to be taken by Registered Owners of Bonds, and for all other
26 purposes whatsoever; and the City and the Bond Registrar shall not be affected by any notice to

1 the contrary. The City and the Bond Registrar shall not have any responsibility or obligation to
2 any direct or indirect DTC participant, any person claiming a beneficial ownership interest in the
3 Bonds under or through DTC or any such direct or indirect participant, or any other person
4 which is not shown on the Bond Register as being a Registered Owner of Bonds, with respect to:
5 (i) the Bonds; (ii) any records maintained by DTC or any such direct or indirect participant; (iii)
6 the payment by DTC or any such direct or indirect participant of any principal of, premium, if
7 any, or interest on the Bonds; (iv) any notice which is permitted or required to be given to
8 Registered Owners of Bonds under this ordinance or the Bond Resolution; (v) the selection by
9 DTC or any direct or indirect DTC participant of any person to receive payment in the event of a
10 partial redemption of the Bonds; or (vi) any consent given or other action taken by DTC as
11 Registered Owner of the Bonds.
12

13
14 For so long as the Bonds are registered in the name of DTC or any nominee thereof, all
15 notices required or permitted to be given to the Registered Owners of such Bonds under this
16 ordinance or the Bond Resolution shall be given to DTC as provided in the relevant Letter of
17 Representations.
18

19 In connection with any notice or other communication to be provided to Registered
20 Owners pursuant to this ordinance or the Bond Resolution by the City or the Bond Registrar with
21 respect to any consent or other action to be taken by Registered Owners of the Bonds, DTC shall
22 consider the date of receipt of notice requesting such consent or other action as the record date
23 for such consent or other action; however, the City or the Bond Registrar may establish a special
24 record date for such consent or other action and shall give DTC notice of such special record
25 date not less than fifteen (15) calendar days in advance of such special record date to the extent
26 practical.

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1 Any successor Bond Registrar, in its written acceptance of its duties under this ordinance
2 and the Bond Resolution, shall agree to take any actions necessary from time to time to comply
3 with the requirements of any applicable Letter of Representations.
4

5 The book-entry system for registration of the ownership of the Bonds delivered in fully
6 immobilized form may be discontinued at any time if: (i) after notice to the City and the Bond
7 Registrar, DTC determines to resign as Securities Depository for the Bonds; or (ii) after notice to
8 DTC and the Bond Registrar, the City determines that a continuation of the system of book-entry
9 transfers through DTC (or through a successor Securities Depository) is not in the best interests
10 of the City. In each of such events (unless, in the case described in clause (i) above, the City
11 appoints a successor Securities Depository), the Bonds shall be delivered in registered certificate
12 form to such persons, and in such maturities and principal amounts, as may be designated by
13 DTC, but without any liability on the part of the City or the Bond Registrar for the accuracy of
14 such designation. Whenever DTC requests the City and the Bond Registrar to do so, and for so
15 long as clause (ii) above does not apply, the City and the Bond Registrar shall cooperate with
16 DTC in taking appropriate action after reasonable notice to arrange for another Securities
17 Depository to maintain custody of certificates evidencing the Bonds.
18
19

20 Section 6. Mutilated, Lost, Stolen and Destroyed Bonds. In case any Bonds shall
21 become mutilated or be destroyed, stolen, or lost, the City may, if not then prohibited or
22 otherwise required by law, cause to be executed and delivered a new Bond of like amount, series,
23 interest rate, maturity date, and tenor in exchange and substitution for and upon cancellation of
24 such mutilated Bonds, or in lieu of and in substitution for such destroyed, stolen, or lost Bonds,
25 upon payment by the Registered Owner thereof of the reasonable expenses and charges of the
26 City and the Bond Registrar in connection therewith, and in the case of a Bond destroyed, stolen,

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1 or lost, the filing with the Bond Registrar of evidence satisfactory to the City that such Bond was
2 destroyed, stolen, or lost, and of the ownership thereof, and furnishing the City and the Bond
3 Registrar with indemnity satisfactory to each of them. If the mutilated, destroyed, stolen, or lost
4 Bond already has matured or been called for redemption in accordance with its terms, it shall not
5 be necessary to issue a new Bond prior to payment.
6

7 Section 7. Payment of Bonds. Principal of, premium, if any, and interest on the Bonds
8 shall be payable in lawful money of the United States of America. Interest on the Bonds shall be
9 paid by checks, drafts, or warrants of the Bond Registrar, or, if requested in writing prior to the
10 Record Date by the Registered Owner of One Million Dollars (\$1,000,000) or more in principal
11 amount of Bonds, by wire, mailed or transferred on the interest payment date to Registered
12 Owners of the Bonds as those Registered Owners and their addresses and accounts appear on the
13 Bond Register on the Record Date (or other record date established in the Bond Resolution).
14 Principal of and premium, if any, on the Bonds shall be payable at maturity or on such date as
15 may be specified for prior redemption upon presentation and surrender of the Bonds by the
16 Registered Owners at the principal corporate trust office or offices of the Bond Registrar.
17 Notwithstanding the foregoing, payment of any Bonds registered in the name of DTC or its
18 nominee shall be made in accordance with the relevant Letter of Representations.
19

20
21 Section 8. Redemption and Open Market Purchase of Bonds.

22 (a) Optional Redemption. All or some of the Bonds may be subject to redemption
23 prior to their stated maturity dates at the option of the City at the times and on the terms set forth
24 in the Bond Resolution.

25 (b) Mandatory Redemption. The City shall redeem any Term Bonds, if not redeemed
26 under the optional redemption provisions set forth in the Bond Resolution or purchased in the

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1 open market under the provisions set forth below, by lot (or in such other manner as the Bond
2 Registrar shall determine) at par plus accrued interest on the dates and in the years and principal
3 amounts as set forth in the Bond Resolution.
4

5 If the City redeems Term Bonds under the optional redemption provisions set forth in the
6 Bond Resolution or purchases Term Bonds in the open market as set forth below, the Term
7 Bonds so redeemed or purchased (irrespective of their redemption or purchase prices) shall be
8 credited at the par amount thereof against the remaining mandatory redemption requirements in a
9 manner to be determined by the Finance Director or, if no such determination is made, on a pro-
10 rata basis.
11

12 (c) Partial Redemption. Whenever less than all of the Bonds of a single maturity are
13 to be redeemed, the Bond Registrar shall select the Bonds or portions thereof to be redeemed
14 from the Bonds of that maturity by lot, or in such other manner as the Bond Registrar shall
15 determine, except that, for so long as the Bonds are registered in the name of DTC or its
16 nominee, DTC shall select the Bonds or portions thereof to be redeemed in accordance with the
17 relevant Letter of Representations. In no event shall any Bond be outstanding in a principal
18 amount that is not an authorized denomination.
19

20 Portions of the principal amount of any Bond, in integral amounts of Five Thousand
21 Dollars (\$5,000), may be redeemed, unless otherwise provided in the Bond Resolution. If less
22 than all of the principal amount of any Bond is redeemed, upon surrender of that Bond at the
23 principal offices of the Bond Registrar, there shall be issued to the Registered Owner, without
24 charge therefor, a new Bond (or Bonds, at the option of the Registered Owner) of the same
25 series, maturity, and interest rate in any of the denominations authorized by the Bond Resolution
26 in the aggregate total principal amount remaining unredeemed.

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1 (d) Open Market Purchase. The City reserves the right and option to purchase any or
2 all of the Bonds in the open market at any time at any price acceptable to the City plus accrued
3 interest to the date of purchase.
4

5 (e) Bonds to be Canceled. All Bonds purchased or redeemed under this Section shall
6 be canceled.

7 Section 9. Notice of Redemption. The City shall cause notice of any intended
8 redemption of Bonds to be given not less than thirty (30) nor more than sixty (60) days prior to
9 the date fixed for redemption by first-class mail, postage prepaid, to the Registered Owner of any
10 Bond to be redeemed at the address appearing on the Bond Register at the time the Bond
11 Registrar prepares the notice, and the requirements of this sentence shall be deemed to have been
12 fulfilled when notice has been mailed as so provided, whether or not it is actually received by the
13 Registered Owner of any Bond. Interest on Bonds called for redemption shall cease to accrue on
14 the date fixed for redemption unless the Bond or Bonds called are not redeemed when presented
15 pursuant to the call. In addition, the redemption notice shall be mailed by the Bond Registrar
16 within the same period, postage prepaid, to Moody's Investors Service, Inc., and Standard &
17 Poor's Ratings Services, a Division of The McGraw-Hill Companies, Inc., at their offices in New
18 York, New York, or their successors, to any bond insurer for the Bonds, and to such other
19 persons and with such additional information as the Finance Director shall determine or as
20 specified in the Bond Resolution, but none of these additional mailings shall be a condition
21 precedent to the redemption of Bonds.
22

23
24 Section 10. Failure to Redeem Bonds. If any Bond is not redeemed when properly
25 presented at its maturity or call date, the City shall be obligated to pay interest on that Bond at
26 the same rate provided in the Bond from and after its maturity or call date until that Bond,

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1 principal, premium, if any, and interest, is paid in full or until sufficient money for its payment in
2 full is on deposit in the Bond Fund and the Bond has been called for payment by giving notice of
3 that call to the Registered Owner of each of those unpaid Bonds.
4

5 Section 11. Form and Execution of Bonds. The Bonds shall be typed, printed,
6 photocopied, or lithographed on good bond paper in a form consistent with the provisions of this
7 ordinance, the Bond Resolution, and State law; shall be signed by the Mayor and Finance
8 Director, either or both of whose signatures may be manual or in facsimile; and the seal of the
9 City or a facsimile reproduction thereof shall be impressed or printed thereon.
10

11 Only Bonds bearing a Certificate of Authentication in substantially the following form
12 (with the designation, year, and series of the Bonds adjusted consistent with this ordinance),
13 manually signed by the Bond Registrar, shall be valid or obligatory for any purpose or entitled to
14 the benefits of this ordinance:

15 CERTIFICATE OF AUTHENTICATION

16 This Bond is one of the fully registered The City of Seattle, Washington, Limited
17 Tax General Obligation Bonds, [Year] [Series], described in the Bond Ordinance.

18 BOND REGISTRAR

19
20 By _____
21 Authorized Signer

22 The authorized signing of a Certificate of Authentication shall be conclusive evidence that the
23 Bond so authenticated has been duly executed, authenticated, and delivered and is entitled to the
24 benefits of this ordinance.

25 If any officer whose facsimile signature appears on the Bonds ceases to be an officer of
26 the City authorized to sign bonds before the Bonds bearing his or her manual or facsimile

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1 signature are authenticated or delivered by the Bond Registrar or issued by the City, those Bonds
2 nevertheless may be authenticated, delivered, and issued and, when authenticated, issued, and
3 delivered, shall be as binding on the City as though that person had continued to be an officer of
4 the City authorized to sign bonds. Any Bond also may be signed on behalf of the City by any
5 person who, on the actual date of signing of the Bond, is an officer of the City authorized to sign
6 bonds, although he or she did not hold the required office on the date of issuance of the Bonds.
7

8 Section 12. Bond Registrar. The Bond Registrar shall keep, or cause to be kept, at its
9 principal corporate trust office, sufficient books for the registration and transfer of the Bonds,
10 which shall be open to inspection by the City at all times. The Bond Registrar is authorized, on
11 behalf of the City, to authenticate and deliver Bonds transferred or exchanged in accordance with
12 the provisions of the Bonds and this ordinance, to serve as the City's paying agent for the Bonds,
13 and to carry out all of the Bond Registrar's powers and duties under this ordinance and Seattle
14 Municipal Code Chapter 5.10 establishing a system of registration for the City's bonds and
15 obligations, as that chapter now exists or may hereafter be amended. The City reserves the right
16 in its discretion to appoint special paying agents, registrars, or trustees in connection with the
17 payment of some or all of the principal of, premium, if any, or interest on the Bonds. If a new
18 Bond Registrar is appointed by the City, notice of the name and address of the new Bond
19 Registrar shall be mailed to the Registered Owners of the Bonds appearing on the Bond Register
20 at the time the Bond Registrar prepares the notice. The notice may be mailed together with the
21 next interest payment due on the Bonds, but, to the extent practicable, shall be mailed no later
22 than the Record Date for any principal payment or redemption date of any Bond.
23
24
25

26 The Bond Registrar shall be responsible for its representations contained in the Bond
Registrar's Certificate of Authentication on the Bonds. The Bond Registrar may become the

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1 Registered Owner of Bonds with the same rights it would have if it were not the Bond Registrar
2 and, to the extent permitted by law, may act as depository for and permit any of its officers or
3 directors to act as members of, or in any other capacity with respect to, any committee formed to
4 protect the rights of the Registered Owners of the Bonds.
5

6 Section 13. Pledge of Taxes. For so long as any of the Bonds is outstanding, the City
7 irrevocably pledges to include in its budget and levy taxes annually within the constitutional and
8 statutory tax limitations provided by law without a vote of the electors of the City on all of the
9 taxable property within the City in an amount sufficient, together with other money legally
10 available and to be used therefor, to pay when due the principal of and interest on the Bonds, and
11 the full faith, credit, and resources of the City are pledged irrevocably for the annual levy and
12 collection of those taxes and the prompt payment of that principal and interest.
13

14 Section 14. Preservation of Tax Exemption for Interest on Bonds. The City covenants
15 that it will take all actions, consistent with the terms of the Bonds, this ordinance, and the Bond
16 Resolution, reasonably within its power and necessary to prevent interest on the Bonds from
17 being included in gross income for federal income tax purposes, and the City will neither take
18 any action nor make or permit any use of proceeds of the Bonds or other funds of the City treated
19 as proceeds of the Bonds at any time during the term of the Bonds which will cause interest on
20 the Bonds to be included in gross income for federal income tax purposes.
21

22 The City has not been notified of any listing or proposed listing by the Internal Revenue
23 Service to the effect that it is a bond issuer whose arbitrage certifications may not be relied upon.
24

25 Section 15. Continuing Disclosure. The City shall undertake to provide for the benefit of
26 holders of the Bonds certain annual financial information and operating data of the type included
in the final official statement for those Bonds, if any, as well as disclosure of certain material

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1 events respecting the Bonds, in the manner and to the extent required by United States Securities
2 and Exchange Commission Rule 15c2-12. The particular terms of any such undertaking shall be
3 set forth in the Bond Resolution.
4

5 Section 16. Refunding or Defeasance of the Bonds. The City may issue refunding
6 obligations pursuant to the laws of the State of Washington or use money available from any
7 other lawful source to pay when due the principal of, premium, if any, and interest on the Bonds,
8 or any portion thereof included in a refunding or defeasance plan, and to redeem and retire,
9 refund, or defease those Bonds (the "defeased Bonds") and to pay the costs of such refunding or
10 defeasance. Unless otherwise provided in the Bond Resolution, if money and/or government
11 obligations (as that term is defined in RCW 39.53.010, as it now exists or may hereafter be
12 amended) maturing at a time or times and in an amount sufficient, together with earned income
13 from the investment thereof, to redeem and retire, refund, or defease the defeased Bonds in
14 accordance with their terms, are set aside in a special trust fund or escrow account irrevocably
15 pledged to that redemption, retirement, or defeasance (the "trust account"), then all right and
16 interest of the owners of the defeased Bonds in the covenants of this ordinance and in the funds
17 and accounts pledged to the payment of the defeased Bonds, other than the right to receive the
18 funds in the trust account, thereafter shall cease and become void. Such owners thereafter shall
19 have the right to receive payment of the principal of, premium, if any, and interest or redemption
20 price on the defeased Bonds from the trust account. The City shall include in the refunding or
21 defeasance plan such provisions as the City deems necessary for the random selection of any
22 defeased Bonds that constitute less than all of a particular maturity of the Bonds, for notice of the
23 defeasance to be given to the Registered Owners of the defeased Bonds, and to such other
24
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1 persons as the City shall determine, and for any required replacement of Bonds for defeased
2 Bonds.

3
4 After the establishing and full funding of such a trust account, the defeased Bonds shall
5 no longer be deemed outstanding, and the City may apply any money in any other fund or
6 account established for the payment or redemption of the defeased Bonds to any lawful purposes
7 as it shall determine.

8 Section 17. Sale of Bonds. The Finance Director may provide for the sale of each series
9 of the Bonds by public sale or by a negotiated sale with the successful underwriter or other
10 financial institution chosen through a selection process acceptable to the Finance Director,
11 including the evaluation of responses to the requests for proposals. The Finance Director is
12 authorized to specify a date and time of sale of the Bonds, to give notice of that sale, to
13 determine any bid requirements and criteria for determining the award of the bid, to provide for
14 the use of an electronic bidding mechanism, and to specify other matters in his or her
15 determination necessary, appropriate, or desirable to carry out the sale of the Bonds. The terms
16 of that sale shall be consistent with this ordinance and the Bond Resolution and shall be
17 confirmed by the Bond Resolution. The Bonds shall be delivered to the purchasers as provided
18 in the Bond Resolution immediately upon payment to the City of the purchase price plus accrued
19 interest to the date of closing in immediately available federal funds in Seattle, Washington, at
20 the City's expense or at another time or place upon which the Finance Director and the purchaser
21 may mutually agree at the purchaser's expense.

22 CUSIP numbers will be printed on the Bonds if requested by the purchasers, but neither
23 failure to print CUSIP numbers on any Bond nor error with respect thereto shall constitute cause
24 for a failure or refusal by the purchasers to accept delivery of and pay for the Bonds in
25
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1 accordance with the purchase offer. All expenses in relation to the printing of CUSIP numbers
2 on the Bonds shall be paid by the City, but the fee of the CUSIP Service Bureau for the
3 assignment of those numbers shall be the responsibility of and shall be paid by the purchasers.
4

5 The City will cause the Bonds to be typed, printed, photocopied, or lithographed, sealed,
6 and executed and will furnish the approving legal opinion of nationally recognized bond counsel
7 to the City regarding the Bonds, the opinion also being printed on each Bond unless the Bond is
8 typed or photocopied.

9 Section 18. Temporary Bonds. Pending the printing, execution, and delivery to the
10 purchasers of definitive Bonds, the City may cause to be executed and delivered to the
11 purchasers a single temporary Bond for each series in the total principal amount of the Bonds of
12 that series. Each temporary Bond shall bear the same date of issuance, interest rates, principal
13 payment dates, and terms and covenants as the definitive Bonds, shall be issued as a fully
14 registered Bond in the name of the purchasers or their nominees, and shall be in such form as is
15 acceptable to the purchasers. Each temporary Bond shall be exchanged for the relevant
16 definitive Bonds as soon as they are printed, executed, and available for delivery.
17

18 Section 19. Creation of Fund; Deposit and Use of Proceeds. The Finance Director is
19 hereby authorized to create in the City Treasury the 2001 Capital Facilities Bond Fund, from
20 which may be paid the costs of projects for which proceeds of the Bonds may be spent, other
21 than those projects the costs of which are to be paid from a fund that already exists in the City
22 Treasury. Unless provided otherwise in the Bond Resolution, the principal proceeds and
23 premium, if any, received from the sale and delivery of the Bonds shall be paid into or allocated
24 to such funds, accounts, or subaccounts of the City Treasury as the Finance Director may
25 designate, and used for the purposes set forth in Section 3 of this ordinance.
26

1 The Finance Director may establish and may transfer Bond proceeds among such funds,
2 accounts, or subaccounts in the City Treasury, or make interfund loans pursuant to Seattle
3 Municipal Code Section 5.06.030 from other City accounts or funds, and is authorized to make
4 such transfer or deposit on terms he or she may deem necessary, appropriate, or desirable to
5 carry out the purposes of this ordinance and consistent with the Bond Resolution.
6

7 There previously has been created and established in the City Treasury the Bond Fund.
8 Accrued interest on the Bonds, if any, received from the sale and delivery of the Bonds shall be
9 paid or allocated into the Bond Fund prior to the first debt service payment date with respect to
10 those Bonds. Until needed to pay the costs described herein, the City may invest principal
11 proceeds of the Bonds temporarily in any legal investment, and the investment earnings shall be
12 deposited in such funds and accounts as may be designated by the Finance Director. Earnings
13 subject to a federal tax or rebate requirement may be withdrawn from any such fund or account
14 and used for those tax or rebate purposes. All taxes collected for and allocated to the payment of
15 the principal of and interest on the Bonds shall be deposited in the Bond Fund.
16

17 Any Bond proceeds remaining after the accomplishment of the purposes set forth in
18 Section 3 and in this Section, or after the City Council has determined that the expenditure of
19 Bond proceeds for those purposes is no longer necessary or appropriate, may be used to pay
20 principal of and interest on the Bonds consistent with applicable law.
21

22 Section 20. Amendment to Section 15 of Ordinance 119020. Section 15 of Ordinance
23 119020 is amended to read as follows:

24 The City shall undertake to provide for the benefit of ~~((registered owners))~~
25 holders of the Bonds certain annual financial information and operating data of
26 the type included in the final official statement for those Bonds, if any, as well as

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1 disclosure of certain material events respecting the Bonds, in the manner and to
2 the extent required by United States Securities and Exchange Commission Rule
3 15c2-12. The particular terms of ~~((the))~~ any such undertaking shall be set forth in
4 the Bond Resolution.
5

6 Section 21. General Authorization. The Mayor and the Finance Director and each of the
7 other appropriate officers of the City are each authorized and directed to do everything as in their
8 judgment may be necessary, appropriate, or desirable in order to carry out the terms and
9 provisions of, and complete the transactions contemplated by, this ordinance. In particular, and
10 without limitation, the Finance Director may, in his or her discretion and without further action
11 by the City Council, (i) issue requests for proposals for underwriting or financing facilities and
12 execute engagement letters with underwriters or other financial institutions based on responses to
13 such requests, (ii) comply with any continuing disclosure requirements applicable to the Bonds,
14 and (iii) change the Bond Registrar or Securities Depository for the Bonds.
15

16 Section 22. Severability. The provisions of this ordinance are declared to be separate
17 and severable. If a court of competent jurisdiction, all appeals having been exhausted or all
18 appeal periods having run, finds any provision of this ordinance to be invalid or unenforceable as
19 to any person or circumstance, such offending provision shall, if feasible, be deemed to be
20 modified to be within the limits of enforceability or validity. However, if the offending
21 provision cannot be so modified, it shall be null and void with respect to the particular person or
22 circumstance, and all other provisions of this ordinance in all other respects, and the offending
23 provision with respect to all other persons and all other circumstances, shall remain valid and
24 enforceable.
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26

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
IT IS DUE TO THE QUALITY OF THE DOCUMENT.

1 Section 23. Ratification of Prior Acts. Any action taken consistent with the authority but
2 prior to the effective date of this ordinance, including, if applicable, but not limited to issuing
3 requests for proposals for financing or underwriting services, executing engagement letters for
4 financing or underwriting services based on responses to such requests, giving notices of the sale
5 of Bonds, adopting the Bond Resolution, executing contracts or other documents, making fund
6 transfers, and paying warrants, is ratified, approved, and confirmed.
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8 Section 24. Headings. The section headings in this ordinance are used for convenience
9 only and shall not constitute a substantive portion of this ordinance.
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Ken Burton/Mary Greenough
50204352.2
9/25/00
Version 3

1 Section 25. Effective Date. This ordinance shall take effect and be in force thirty (30) days
2 from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten
3 (10) days after presentation, this ordinance shall take effect as provided by Seattle Municipal Code
4 Section 1.04.020.
5

6 PASSED by the City Council the _____ day of _____, 2000, and
7 signed by me in open session in authentication of its passage this _____ day of
8 _____, 2000.
9

10 _____
11 President of the City Council

12 Approved by me this _____ day of _____, 2000.
13

14 _____
15 Mayor

16 Filed this _____ day of _____, 2000.
17

18 _____
19 City Clerk

20 (SEAL)
21
22
23
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Ken Burton/Marc Greenough
50204352.2
9/25/00
Version 3

EXHIBIT A

<u>Project or Facility</u>	<u>Principal Amount</u>
Justice Center and City Hall	\$ 69,243,000
Park 90/5	5,262,000
Key Tower	2,565,000
South Precinct	8,412,000
Public Safety Information Technology	8,155,000
Ballard Civic Center	3,590,000
Fairview and Valley Street Improvements	4,616,000
Miscellaneous Information Technology	5,642,000
Police Training Facility	3,077,000
Training Campus	6,504,000
Concert Hall	857,000
Housing Infrastructure	<u>3,077,000</u>
Total	\$ 121,000,000

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