

CITY OF CAMAS, WASHINGTON

ORDINANCE NO. 24-006

AN ORDINANCE of the City of Camas, Washington, providing for a ballot proposition to be submitted to the qualified electors of the City on August 6, 2024, in conjunction with the State Primary Election to be held on the same date, of a proposition authorizing the city to issue general obligation bonds in the aggregate principal amount of no more than \$26,300,000 for the purpose of paying costs of fire safety improvements, including constructing and equipping a new fire station, renovating an existing fire station and acquiring a new fire engine, the principal of and interest on such bonds to be payable from annual excess property tax levies; designating the City Attorney, Bond Counsel and Finance Director to receive notices of ballot title from the Clark County Auditor; and providing for related matters.

WHEREAS, the City Council of the City of Camas, Washington (the “City”) desires to provide for the continual provision of public safety services to protect the public health and safety of the City; and,

WHEREAS, the need to improve fire safety and protection in the City, require the City to: [construct and equip a new fire station, renovate an existing fire station and acquire a new fire engine], all as more particularly defined and described in Section 1 (the “Project”); and,

WHEREAS, the City lacks sufficient money to pay costs of the Project; and,

WHEREAS, to pay costs of the Project, it is necessary and advisable that the City issue and sell unlimited tax general obligation bonds in the aggregate principal amount of no more than \$26,300,000 (the “Bonds”), or such lesser maximum amount as may be legally issued under the laws governing the limitation of indebtedness or required to carry out and accomplish the Project; and,

WHEREAS, under Article VII, Section 2(b) and Article VIII, Section 6 of the Washington Constitution and the laws of the State of Washington, including chapters 35A.40, 39.36 and 84.52 of the Revised Code of Washington (“RCW”), the City may submit to its voters at a special election, for their approval or rejection, a proposition authorizing the City to issue the Bonds to pay costs of the Project and to levy annual excess property taxes in amounts sufficient to pay principal of and interest on the Bonds when due (*i.e.*, repay the Bonds); and,

WHEREAS, the best interests of the City and its residents require the City to carry out and accomplish the Project;

NOW, THEREFORE THE CITY OF CAMAS CITY COUNCIL, HEREBY RESOLVES AS FOLLOWS:

Section 1. Description of the Project. The Project to be paid for with proceeds of the Bonds, including interest earnings thereon (“Bond Proceeds”), is more particularly defined and described as follows:

(a) [Construct and equip a new fire station in the City, renovate an existing fire station and acquire a new fire engine], all as determined necessary and advisable by the City Council. [The term “land” as used herein includes all real property and improvements and other structures thereon and all interests therein.]

(b) Acquire, construct and install all necessary facilities, equipment, apparatus, accessories, fixtures and appurtenances in or for the foregoing, all as determined necessary and advisable by the City Council.

(c) Pay incidental costs incurred in connection with carrying out and accomplishing the Project described above under RCW 39.46.070 and other laws. Such incidental costs constitute a part of the Project and include without limitation: (1) costs related to the issuance, sale and delivery of the Bonds; (2) payments for fiscal and legal costs; (3) costs of obtaining ratings and bond insurance; (4) costs of printing, advertising, establishing and funding accounts; (5) payment of interest due on the Bonds for up to six months after completion of construction; (6) necessary and related engineering, architectural, planning, consulting, inspection, permitting and testing costs; (7) administrative and relocation costs; (8) site assessment, acquisition and improvement costs; (9) demolition costs; (10) costs related to demolition and/or deconstruction of existing facilities to recycle, reclaim and repurpose such facilities and/or building materials; (11) costs of on-site and off-site utilities and road improvements; and (12) costs of other similar activities or purposes, all as determined necessary and advisable by the City Council.

The City is authorized to accomplish the Project, or any parts, insofar as is practicable with available Bond Proceeds, and subject to Section 6 of this ordinance, the City Council shall allocate Bond Proceeds, together with any other money of the City legally available therefor, between the various parts of the Project so as to accomplish, as near as may be, all of the Project. The City Council shall determine the time, order, extent and specifications for the Project. The Project is to be more fully described in the plans and specifications to be filed with the City.

Section 2. Calling of Election. The Clark County Auditor, as *ex officio* supervisor of elections in Clark County, Washington, is hereby requested to call and conduct a special election, in the manner provided by law, to be held within the City on August 6, 2024, in conjunction with the State Primary election to be held on the same date, for the purpose of submitting to the qualified electors of the City for their approval or rejection, the proposition authorizing the City to issue the Bonds to pay costs of the Project and levy annual excess property taxes to repay the Bonds. The Clark County Auditor’s office, as the City’s *ex officio* supervisor of elections, shall conduct the election, canvas the vote, and certify the results in the manner provided by law.

If the proposition is approved by the requisite number of voters, the City will be authorized to issue, sell and deliver the Bonds in the manner described in this ordinance, spend the Bond Proceeds to pay costs of the Project and levy annual excess property taxes to repay the Bonds. The Bond Proceeds may be used, either with or without additional money now or at any time available to the City, for capital purposes only, as permitted by law, excluding the replacement of equipment.

Section 3. Authorization to Issue the Bonds. The City may issue the Bonds as a single bond, as a single issue, as a part of a combined issue with other authorized bonds or in more than one series, all as determined necessary and advisable by the City Council and as permitted by law. The City may issue the Bonds, as determined necessary and advisable by the City Council, as taxable bonds, tax-exempt bonds or any other type of bonds that are now or in the future may be authorized under applicable state and federal law.

The Bonds will be issued as fully registered bonds; bear interest payable as permitted by law; mature within 25 years from the date of issuance (but may mature at an earlier date or dates as fixed by the City Council); be paid by annual property tax levies sufficient in amount to pay both principal and interest when due, which annual property tax levies will be made in excess of regular property tax levies without limitation as to rate or amount; and be issued and sold in the manner, times and amounts required for the purpose for which the Bonds are to be issued, all as determined necessary and advisable by the City Council and as permitted by law. The life of the Project to be financed with Bond Proceeds must as near as practicable or as otherwise required by law exceed the term of the respective Bonds that finance the Project. The amount, date, denominations, interest rates, payment dates, final maturity, redemption rights, price, and other terms and conditions of the Bonds (or parameters with respect thereto) will be fixed by one or more ordinances of the City Council authorizing the issuance, sale and delivery of the Bonds, which ordinances may delegate to a City officer or employee the authority to fix any of the foregoing, all as determined necessary and advisable by the City Council and as permitted by law.

Pending the issuance of any series of the Bonds, the City may levy excess property taxes to repay those Bonds and may issue short-term obligations pursuant to chapter 39.50 RCW to pay for any portion of the costs of the Project. The short-term obligations may be paid or refunded with Bond Proceeds.

Section 4. Intent to Reimburse. To the extent the City makes capital expenditures for the Project prior to the date the City issues the Bonds to finance the Project from funds that are not (and are not reasonably expected to be) reserved, allocated on a long-term basis or otherwise set aside by the City under its existing and reasonably foreseeable budgetary and financial circumstances to pay costs of the Project, the City Council declares those capital expenditures are intended to be reimbursed out of Bond Proceeds, or proceeds of other bonds or obligations, issued in an amount not to exceed the principal amount of the Bonds provided by this ordinance.

Section 5. Sufficiency of Bond Proceeds. If Bond Proceeds are more than sufficient to carry out and accomplish the Project, the City may use those excess Bond Proceeds to: (a) acquire, construct, remodel, renovate, install, equip, furnish and make other capital improvements to City facilities for fire protection purposes; or (b) retire and/or defease a portion of the Bonds, all as the City Council may determine necessary or advisable and as permitted by law. In the event the Bond Proceeds, together with any other money of the City legally available, are insufficient to carry out and accomplish all of the Project, the City may use the Bond Proceeds and other available money for paying the costs of any parts of the Project the City Council determines most necessary and in the best interests of the City.

Section 6. Alteration of Expenditures. If the City Council subsequently determines circumstances (including without limitation changed conditions or needs or regulatory

considerations) require alterations to the Project, the City will not be required to accomplish all of the Project and may apply the Bond Proceeds (or any portion) to: (a) the acquisition, construction, installation or equipping of other equipment, apparatus or facilities of the City for emergency services purposes and the making of other capital improvements thereto; or (b) the retirement and/or defeasance of all or a portion of the Bonds or other outstanding bonds of the City, all as determined necessary or advisable by the City Council.

Section 7. Form of Ballot Title. Pursuant to RCW 29A.36.071, the City Attorney of the City (the “City Attorney”) has prepared the concise description of the aforesaid proposition for the ballot title in substantially the following form:

CITY OF CAMAS, WASHINGTON
PROPOSITION 1
GENERAL OBLIGATION BONDS
[FIRE SAFETY] IMPROVEMENTS

The Camas City Council adopted Ordinance 24-006 concerning funding for fire safety improvements. This proposition would authorize the City to acquire property, construct and equip a new fire station, renovate an existing fire station and acquire a new fire engine to improve fire safety throughout the City, and issue up to \$26,300,000 of general obligation bonds maturing within a maximum of 25 years; and levy annual excess property taxes to repay the bonds, all as provided in Ordinance 24-006.

Should this proposition be?

Approved

Rejected

Section 8. Authorization to Deliver this Ordinance to Auditor and Perform Other Necessary Duties. The City Clerk is hereby authorized and directed to (a) present a certified copy of this ordinance to the Auditor no later than May 3, 2024; and (b) perform such other duties as are necessary or required by law to submit to the City’s voters at the August 6, 2024 election, for their approval or rejection, the proposition authorizing the City to issue the Bonds to pay costs of the Project and levy annual excess property taxes to repay the Bonds.

Section 9. Notices Relating to Ballot Title. For purposes of receiving notice of the exact language of the ballot proposition required by RCW 29A.36.080, the City Council hereby designates (a) [the City Attorney (Shawn MacPherson), telephone: 360-834-4611; email: SMacPherson@cityofcamas.us; (b)]the City’s bond counsel (Stacie Amasaki), telephone: 206-447-6278, email: stacie.amasaki@foster.com; and (c) the City Finance Director (Cathy Huber Nickerson), telephone: 360-817-1537, email: chuber@cityofcamas.us, as the individuals to whom such notice should be provided. The City Attorney is authorized to approve changes to the ballot title, if any, deemed necessary by the Clark County Auditor.

Section 10. Corrections. The City Attorney and City Clerk are authorized to make necessary clerical corrections to this ordinance, including, but not limited to, the correction of scrivener's or clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 11. General Authorization. This ordinance may be executed by the Mayor of the City, and attested by the City Clerk in tangible medium, manual, facsimile or electronic form under any security procedure or platform, and notwithstanding any other City ordinance, resolution, rule, policy or procedure, or in any other manner evidencing its adoption. The Mayor, City Administrator, City Attorney, Finance Director of the City, other appropriate officers of the City and special counsel, Foster Garvey P.C., are individually authorized and directed to take such actions and to create, accept, execute, send, use and rely upon such documents, records and signatures (including in tangible medium, manual, facsimile or electronic form, under any security procedure or platform, and notwithstanding any other City ordinance, resolution, rule, policy or procedure) as in their judgment may be necessary or desirable to effectuate the provisions of this ordinance. All actions taken prior to the effective date of this ordinance in furtherance of and not inconsistent with the provisions of this ordinance are ratified and confirmed in all respects.

Section 12. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance, and in no way affects the validity of the other provisions of this ordinance, of the Bonds or of the levy or collection of the taxes pledged to repay the Bonds.

Section 13. Effective Date. This ordinance shall take effect and be in force from and after its passage and five days following its publication as required by law.

PASSED by the City Council and APPROVED by the Mayor of the City of Camas, Washington, at an open public meeting thereof, this ____ day of _____, 2024.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Bond Counsel

CERTIFICATION

I, the undersigned, City Clerk of the City of Camas, Washington (the “City”), hereby certify as follows:

1. The attached copy of Ordinance No. 24-006 (the “Ordinance”) is a full, true and correct copy of an ordinance duly passed at a regular meeting of the City Council of the City held at the regular meeting place thereof on _____, 2024, as that ordinance appears on the minute book of the City.

2. That said meeting was duly convened, held and included an opportunity for public comment, in all respects in accordance with law; due and proper notice of such meeting was given; that a legal quorum of the members of the City Council was present throughout the meeting; and a majority of the members voted in the proper manner for the passage of the Ordinance.

3. The Ordinance will be in full force and effect five days after publication in the City’s official newspaper, which publication date is _____, 2024.

Dated: _____, 2024.

CITY OF CAMAS, WASHINGTON

City Clerk