CITY OF SAMMAMISH
WASHINGTON
ORDINANCE NO. O2008-234

AN ORDINANCE OF THE CITY OF SAMMAMISH, WASHINGTON, PROVIDING FOR THE SUBMISSION TO THE VOTERS OF THE CITY AT A SPECIAL ELECTION TO BE HELD IN CONJUNCTION WITH THE STATE GENERAL ELECTION ON NOVEMBER 4, 2008, OF A PROPOSITION AUTHORIZING THE CITY TO ISSUE ITS GENERAL OBLIGATION BONDS, FOR THE PURPOSE OF PAYING A PART OF THE COST OF THE ACQUISITION, DEVELOPMENT, CONSTRUCTION AND IMPROVEMENT OF PARK, RECREATION AND ATHLETIC FACILITIES, IN THE PRINCIPAL AMOUNT OF NO MORE THAN $19,000,000, PAYABLE BY ANNUAL PROPERTY TAX LEVIES TO BE MADE IN EXCESS OF REGULAR PROPERTY TAX LEVIES, AS MORE PARTICULARLY SET FORTH HEREIN.

WHEREAS, the City Council of the City of Sammamish, Washington (the “City”), has determined that it is in the best interest of the City to acquire, develop, construct and improve park, recreation and athletic facilities (the “Projects”), and the City does not currently have sufficient funds available for that purpose; and

WHEREAS, the City Council wishes to seek voter approval for the issuance and sale of not to exceed $19,000,000 of general obligation bonds of the City to pay the costs of the Projects and the costs of issuance of such bonds, to be repaid by an annual excess property tax levy; and

WHEREAS, the City Council anticipates submitting to the voters within the City a measure authorizing a regular property tax for the maintenance and operation of the Projects, and desires to make the bond issue approval proposed in this ordinance contingent on authorization of such a regular property tax levy; and

WHEREAS, the constitution and laws of the State of Washington provide that the question of whether or not the City may issue such bonds be submitted to the qualified electors of the City for their ratification or rejection at a special election;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAMMAMISH, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. The Projects. The City Council finds that it is in the best interest of the City to acquire, develop, construct and improve park, recreation and athletic facilities within the
City (the "Projects"), which are more particularly described in Exhibit A attached hereto. The Projects shall include all necessary equipment and appurtenances, but shall not include the replacement of equipment. The cost of all necessary architectural, engineering, legal and other consulting services, inspection and testing, administrative expenses, site acquisition or improvement, demolition, on and off-site utilities, related improvements and other costs incurred in connection with the Projects shall be deemed a part of the costs of such capital improvements. The City Council may modify the details of the Projects where necessary or advisable in the judgment of the City Council.

The estimated cost of the Projects, including the costs of issuing and selling the bonds authorized by this ordinance, is declared to be approximately $19,000,000. The economic life of the Projects is expected to be at least 20 years.

Section 2. Description of Proposed Bonds. The Bonds may be issued as a single issue, as a part of a combined issue with other authorized bonds, or in more than one series, as deemed advisable by the City Council and as permitted by law. The Bonds shall be fully registered bonds; shall bear interest payable as permitted by law; shall mature within 20 years from the date of issue, or within any shorter period fixed by the City Council; shall be paid by annual property tax levies sufficient in amount to pay both principal and interest when due, which annual property tax levies shall be made in excess of regular property tax levies without limitation as to rate or amount but only in amounts sufficient to meet such payments of principal and interest as they come due; and shall be issued and sold in such manner, at such times and in such amounts as shall be required for the purpose for which such bonds are to be issued. The exact date, form, terms, options of prior redemption, price, interest rate or rates and maturities of the Bonds shall be hereafter fixed by ordinance of the City Council. Pending the issuance of the Bonds, the City may issue short-term obligations pursuant to chapter 39.50 RCW or such other obligations as are permitted by law to pay for the costs of the Projects. Such obligations and their costs may be paid or refunded with proceeds of the Bonds when issued.

Section 3. Proceeds of the Bonds. If available money from the proceeds of the Bonds is more than sufficient to pay the costs of the Projects, or if the City Council determines that state or local circumstances require any alteration in the Projects, the City may acquire, construct, equip and make other capital improvements to the City’s park, recreation and athletic facilities, or retire and/or defease a portion of the Bonds, all as the Council may determine and as permitted by law. If the proceeds of the sale of the Bonds and other available money are insufficient to make all of the capital improvements herein provided for, or if it has become impractical to accomplish any of the Projects or portions of the Projects, the City may use the proceeds of the Bonds and other available money for paying the costs of those portions of the Projects or other park, recreation and athletic facilities deemed by the City Council to be most necessary and in the best interest of the City.

Section 4. Calling of Election. The City Council requests that the Director of Records and Elections of King County, Washington (the "Director of Elections") call and conduct a special election in the City, in the manner provided by law, to be held on November 4, 2008, in conjunction with the State general election, for the purpose of submitting to the voters of the City, for their approval or rejection, the question of whether or not general obligation bonds of the City shall be issued in the principal amount of not more than $19,000,000 (or such
lesser maximum amount as may be legally issued under the laws governing the limitation of indebtedness), the proceeds of which shall be expended to pay the costs of the Projects, and annual excess property taxes shall be levied to pay and retire the Bonds. The proceeds of the Bonds shall be used for capital purposes only, which shall not include the replacement of equipment.

If this proposition is approved by the requisite number of voters, the City shall be authorized, subject to the condition in the second sentence of this paragraph, to issue the Bonds in the manner described in this ordinance, to spend the proceeds thereof to pay the costs of the Projects, and to levy excess property taxes to pay and retire such bonds. The issuance of bonds under this authorization is conditioned on the approval by the City’s voters, prior to the issuance of such bonds, of a levy lid lift ballot proposition providing funding for operation and maintenance of the Projects.

Section 5. Ballot Proposition. The City Clerk (or her designee) is authorized and directed to certify, no later than August 12, 2008, to the Director of Elections, as ex officio supervisor of elections in the City, a copy of this ordinance and the proposition to be submitted at that election in the form of ballot title pursuant to RCW 29A.36.071, as follows:

PROPOSITION 1

CITY OF SAMMAMISH
PARK, RECREATION AND ATHLETIC FACILITIES BONDS

The City Council of the City of Sammamish has passed Ordinance No. O2008-234 concerning financing certain park, recreation and athletic facilities projects.

If approved, this proposition would authorize the City to issue not more than $19,000,000 of general obligation bonds (maturing within 20 years or less) for the acquisition, development, construction and improvement of park, recreation and athletic facilities, and to annually levy excess property taxes to pay and retire such bonds, all as provided in the ordinance. This authorization is conditioned on voter approval, prior to issuance of such bonds, of a levy lid lift for funding operations and maintenance expenses.

Should this proposition be approved?

YES......................................................□

NO.....................................................□

For purposes of receiving notice of any matters related to the ballot title, as provided in RCW 29A.36.080, the City Council hereby designates the City Attorney as the individual to whom the Director of Elections shall provide such notice.

Section 6. General Authorization. The proper City officials are authorized to perform such duties as are necessary or required by law to the end that the question of whether or not bonds shall be issued, as provided in this ordinance, shall be submitted to the voters of the
City at the November 4, 2008, state general election. All actions taken prior to the effective date of this ordinance and in furtherance of these objectives are hereby ratified and confirmed.

Section 7.  Intent to Reimburse. The City Council declares that to the extent that the City makes capital expenditures for the Projects, prior to the date the Bonds or other short-term obligations are issued to finance the Projects, 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 finance the Projects, those capital expenditures are intended to be reimbursed out of proceeds of the Bonds or other short-term obligations issued in an amount not to exceed the principal amount of the Bonds provided by this ordinance.

Section 8.  Local Voters' Pamphlet Authorized. The preparation and distribution of a local voters' pamphlet providing information on the foregoing ballot measure is hereby authorized. The pamphlet shall include arguments advocating approval and disapproval of the ballot measure. In accordance with RCW 29A.32.280, the arguments advocating approval and disapproval of the ballot shall be prepared by committees appointed by City Council by motion not later than forty-five days before the publication of the pamphlet. Each committee shall be composed of not more than three persons, and the committee advocating approval shall be composed of persons known to favor the ballot title and the committee advocating disapproval shall be composed of persons known to oppose the ballot title.

Section 9.  Severability. The recitals stated above (i.e., the "Whereas" clauses) constitute specific findings by the City Council in support of passage of this ordinance. If any provision of this ordinance is declared by any court of competent jurisdiction to be invalid, then such provision shall be null and void and shall be severable from the remaining provisions of this ordinance, and shall in no way affect the validity of the other provisions of this ordinance or of any other ordinance or resolution or of the Bonds.

[remainder of page intentionally left blank]
Section 7. Severability. The recitals stated above (i.e., the "Whereas" clauses) constitute specific findings by the City Council in support of passage of this ordinance. If any provision of this ordinance is declared by any court of competent jurisdiction to be invalid, then such provision shall be null and void and shall be separable from the remaining provisions of this ordinance, and shall in no way affect the validity of the other provisions of this ordinance or of any other ordinance or resolution, or of the levy or collection of the taxes authorized herein.

Section 8. Publication and Effective Date. This ordinance shall take effect and be in force five (5) days after publication as provided by law.


CITY OF SAMMAMISH

Mayor Lee Felling

ATTEST:

Melanie Anderson
Melanie Anderson City Clerk

APPROVED AS TO FORM:

Foster Pepper PLLC, Bond Counsel

Filed with the City Clerk: July 11, 2008

First Reading: July 15, 2008
Second Reading: July 21, 2008
Passed by the City Council: July 21, 2008
Date of Publication: July 24, 2008
Effective Date: July 29, 2008
EXHIBIT A

PROJECTS

The following is a brief description of the park, recreation and athletic projects (the “Projects”):

1. Pine Lake Middle School Athletic Fields – Includes development of one field area to accommodate two softball fields and one soccer/lacrosse field, including installation of synthetic turf and lights and related improvements.

2. Sammamish Landing – Phase I – Includes development of the waterfront park along Lake Sammamish to include picnic areas, canoe pullouts, habitat restoration, docks, limited parking and other improvements.

3. East Sammamish Park – Phase I – Includes development of a new spray park, playground upgrades, development of a new trail to Margaret Mead Elementary School, frontage improvements and parking lot expansion.

4. Beaver Lake Vicinity Trail – Includes developing a hard and soft surface trail to connect Beaver Lake Park and Beaver Lake Preserve along W. Beaver Lake Drive.

5. Land Acquisition – Acquisition of land for a new park in northeast Sammamish.

6. Recreation Facility – Purchase and development of the existing King County Library site (or if deemed not feasible by the Council, then acquisition and development of another suitable site) to support a partnership with a local non-profit organization for the provision of recreation services with an emphasis on youth and teen programs.
CERTIFICATION

I, the undersigned, City Clerk of the City of Sammamish, Washington (the "City"), hereby certify as follows:

1. The attached copy of Ordinance No. O2008-234 (the "Ordinance") is a full, true and correct copy of an ordinance duly passed at a special meeting of the City Council of the City held at the regular meeting place thereof on July 21, 2008, as that ordinance appears on the minute book of the City; and the Ordinance will be in full force and effect five days after the publication of its summary in the City’s official newspaper; and

2. A quorum of the members of the City Council was present throughout the meeting and a majority of those members present voted in the proper manner for the passage of the Ordinance.

IN WITNESS WHEREOF, I have hereunto set my hand this July 22nd day of July, 2008.

CITY OF SAMMAMISH, WASHINGTON

Melanie Anderson/City Clerk