

Ordinance No. 00213

[Council Special Meeting Minutes 99/09/16](#)

ORDINANCE NO. 213

AN ORDINANCE of the City Council of the City of Lakewood, Washington, providing for the submission to the qualified electors of the City of Lakewood at a election to be held on November 2, 1999, of a proposition authorizing the City to issue its general obligation bonds in the aggregate principal amount of not to exceed \$9,890,000 or so much thereof as may be issued under the laws governing the indebtedness of cities, for the purpose of providing funds to acquire, construct, equip and make certain capital improvements to the park and recreation facilities of the City

WHEREAS, a Parks and Recreation Master Plan for capital improvements to the park and recreation facilities of the City of Lakewood, Washington (the "City"), has been developed and adopted by the City Council to provide the City and its citizens with adequate, proper and safe facilities; and,

WHEREAS, in order to pay the costs of such improvements, it is deemed necessary and advisable by the City Council that the City issue and sell one or more series of its unlimited tax levy general obligation bonds in the principal amount of not to exceed \$9,890,000; 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; and,

WHEREAS, state statute (RCW 35A.13.190) authorizes emergency ordinances to become effective immediately upon adoption by a majority plus one of the City Council where necessary for the protection of public health, safety, property and peace, provided that the ordinance does not levy a new tax or grant, renew or extend a franchise or authorize the borrowing of money; and,

WHEREAS, as the proposed ordinance does not levy a new tax or grant, renew or extend a franchise or authorize the borrowing of money, and only places the question of whether the City should borrow money before the voters, if the bond issue is approved, this ordinance is not precluded from use of an emergency ordinance where it otherwise qualifies; and,

WHEREAS, because of the limited time frame within which bond ordinances must be adopted and forwarded to the County Auditor for inclusion on an upcoming ballot, it is necessary for this ordinance to become effective immediately in order to preserve and protect the public health, safety, property and peace of the City of Lakewood involved in the proposed park projects to be funded by the bond issue if approved, and the City Council finds that this ordinance is an appropriate ordinance for application of the emergency ordinance/effective immediately provisions of state statute.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON, DO ORDAIN as follows:

Section 1. Findings. The City Council hereby finds and declares that the plan of capital improvements provided in this ordinance is in the best interest of the City and its citizens, is necessary to accomplish the public purposes of the City and will serve the public welfare, health and benefit of the inhabitants of the City. If the bonds required to finance such improvements are authorized by the voters of the City, the City Council shall carry out the plans so authorized at the time or times and in the order and manner deemed most necessary and advisable by the City Council.

Section 2. Capital Improvements. The City shall undertake the program of capital improvements to the park and recreational facilities of the City essentially as described on Exhibit A attached hereto and incorporated herein by this reference (the "Projects"). The cost of constructing, developing and acquiring the Projects and all costs incidental thereto, including, but not limited to, architectural, planning, financial and legal services, incidental to the Projects and to the issuance of the bonds, is estimated to be \$9,890,000.

The City Council shall determine the exact location, extent and specifications for construction of structures or other improvements. If the City Council, by ordinance, shall determine that it has become impractical to accomplish any of the Projects or portions thereof by reason of changed conditions, or costs substantially in excess of the amount of the bond proceeds estimated to be applied thereto, the City Council shall not be required to accomplish such Project or portions thereof. If all of the improvements so described have been constructed or duly provided for, or found to be impractical, the City may apply the bond proceeds or any portion thereof to other capital improvements or to the redemption of the bonds as the Council,

by resolution and in its discretion, shall determine.

Section 3. Authorization of Bonds. For the purpose of providing the funds necessary to pay the costs of the improvements, as authorized by Section 2 of this ordinance, the City shall issue and sell its general obligation bonds in the aggregate principal amount of not to exceed \$9,890,000. Such bonds shall be issued in an amount not exceeding the amount approved by the qualified electors of the City or exceeding the amount permitted by the constitution and laws of the State of Washington. The balance, if any, of the cost of such improvements shall be paid out of any money that the City now has or may later have on hand which is legally available for such purposes.

The bonds to be issued shall be issued in such amounts and at such time or times as found necessary and advisable by the City Council. The bonds may be issued in one or more series and shall bear interest payable at a rate or rates not to exceed a maximum rate authorized by the City Council. The bonds shall mature in such amounts and at such times within a maximum term of 20 years from date of issue, but may mature at an earlier date or dates as authorized by the City Council and as provided by law. The exact date, form, terms, options of redemption, maturities and conditions of sale of the bonds shall be as hereafter fixed by ordinance or ordinances of the City Council passed for such purpose. The bonds shall be general obligations of the City and, unless paid from other sources, both principal of and interest on the bonds shall be payable out of annual tax levies to be made upon all the taxable property within the City without limitation as to rate or amount. After voter approval of the bond proposition and in anticipation of the issuance of such bonds, the City may issue short-term obligations as authorized by Chapter 39.50 RCW.

Section 4. Bond Election. It is hereby found and declared that an emergency exists requiring the submission to the qualified electors of the City of a proposition authorizing the City to issue bonds for the purposes of acquiring, constructing and equipping the improvements described in Section 2, at an election to be held on the 2nd day of November, 1999. The Pierce County Auditor as ex officio supervisor of elections is hereby requested to find the existence of such emergency and to assume jurisdiction of and to call and conduct said special election to be held within the City and to submit to the qualified electors of the City the proposition hereinafter set forth.

The City Clerk is hereby authorized and directed, not less than 45 days prior to November 2, 1999, to certify the following proposition to the Pierce County Auditor in substantially the following form:

CITY OF LAKEWOOD

PROPOSITION NO. 1

GENERAL OBLIGATION BONDS - \$9,890,000

Shall the City of Lakewood develop and improve its park and recreation facilities and finance such improvements from general obligation bonds in the principal amount not to exceed \$9,890,000, maturing within a maximum term of 20 years, and payable out of annual property tax levies in excess of any constitutional or statutory limitations, as provided in Ordinance No. 213?

BONDS, YES

BONDS, NO

The polls for such election shall be open from 7:00 a.m. to 8:00 p.m.

Certification of such proposition by the Clerk of the City to the Pierce County Auditor, in accordance with law, prior to the date of such election on November 2, 1999, and any other act consistent with the authority and prior to the effective date of this ordinance, are hereby ratified and confirmed.

Section 5. Severability. In the event any one or more of the provisions of this ordinance shall for any reason be held to be invalid, such invalidity shall not affect or invalidate any other provision of this ordinance or the bonds, but this ordinance and the bonds shall be construed and enforced as if such invalid provision had not been contained herein; provided, that any provision which shall for any reason be held by reason of its extent to be invalid shall be deemed to be in effect to the extent permitted by law.

Section 6. Effective Date. That this Ordinance, adopted as an Emergency Ordinance by a majority plus one of the City Council,

is necessary for the preservation of public peace, safety and welfare, and shall be in full force and effect immediately upon adoption. ADOPTED by the Council of the City of Lakewood, Washington, at a regular meeting thereof, held this 16th day of September, 1999.

CITY OF LAKEWOOD, WASHINGTON

Attest: _____

Bill Harrison, Mayor

Alice M. Bush, CMC, City Clerk

Approved as to Form:

Daniel B. Heid, City Attorney

EXHIBIT "A"

[Project description]

CERTIFICATE

I, the undersigned, Clerk of the City of Lakewood, Washington (the "City"), and keeper of the records of the City Council (herein called the "Council"), DO HEREBY CERTIFY:

1. That the attached ordinance is a true and correct copy of Ordinance No. 213 of the Council (herein called the "Ordinance"), duly passed at a meeting thereof held on the 16th day of September, 1999.
2. That said meeting was duly convened and held in all respects in accordance with law, and to the extent required by law, due and proper notice of such meeting was given; that a legal quorum was present throughout the meeting and a legally sufficient number of members of the Council voted in the proper manner for the passage of said Ordinance; that all other requirements and proceedings incident to the proper passage of said Ordinance have been duly fulfilled, carried out and otherwise observed; and that I am authorized to execute this certificate.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City this 16th day of September, 1999.

City Clerk

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