

ORDINANCE NO. 2167

AN ORDINANCE OF THE CITY OF SELAH, WASHINGTON, PROVIDING FOR THE SUBMISSION TO THE VOTERS OF THE CITY AT A SPECIAL ELECTION TO BE HELD ON NOVEMBER 8, 2022, IN CONJUNCTION WITH THE STATE GENERAL 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 \$12,700,000 FOR THE PURPOSE OF PAYING COSTS OF CONSTRUCTING A LAW AND JUSTICE CENTER, THE PRINCIPAL OF AND INTEREST PAYMENTS ON SUCH BONDS TO BE PAYABLE FROM ANNUAL EXCESS PROPERTY TAX LEVIES; DESIGNATING THE CITY ADMINISTRATOR AND BOND COUNSEL TO RECEIVE NOTICE OF BALLOT TITLE FROM THE YAKIMA COUNTY AUDITOR; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the City Council desires to have a Law and Justice Center designed and built, and for related materials, land, rights and other items to be acquired; and

WHEREAS, the City Council desires to fund all or substantially all of such project from proceeds of general obligation bonds of the City and to levy annual excess property taxes in amounts sufficient to pay principal of and interest on such bonds; and

WHEREAS, the City Council has determined it is necessary to issue such bonds in the aggregate principal amount of no more than \$12,700,000 to carry out and accomplish such project; and

WHEREAS, the City Council desires to submit to the voters of the City of Selah at a special election to be held on November 8, 2022, in conjunction with the State General election to be held on the same date, a ballot proposition authorizing the City to issue such bonds and levy such excess taxes; and

WHEREAS, the City Council also desires to designate the City Administrator, Joe Henne, and bond counsel, the law firm of Foster Garvey PC and lawyer Lee Marchisio, to receive notice of the corresponding ballot title from the Yakima County Auditor; and

WHEREAS, the City Council also desires to provide for related matters;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, HEREBY ORDAINS AS FOLLOWS:

Section 1. Findings and Determinations. In addition to the preceding recitals, which are incorporated herein, the City Council of the City of Selah, Washington (the "City"), further takes note of the following facts and makes the following findings and determinations:

(a) There is a need for different, larger, more modern and generally improved premises for the City's police department and the City's municipal court; there is a related need to improve safety and security for the police department and municipal court; there is a further related need to reduce the police department's emergency response times when responding to or working to prevent crime, when working to preserve the public peace, and when working to protect life, property and the rights of all persons; and these needs require the City to: design, construct and acquire a new Law and Justice Center suitable for serving the community's current and future

police department and municipal court needs, all as more particularly defined and described in Section 2 below (the "Project").

(b) The City lacks sufficient money to pay costs of the Project.

(c) 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 \$12,700,000 (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.

(d) 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).

(e) The best interests of the City and its residents require the City to carry out and accomplish the Project.

Section 2. 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) Design, construct and acquire a Law and Justice Center to replace both the existing police station (which is currently located in rented premises owned by a commercial landlord) and the existing municipal court (which is currently located in a portion of City Hall) that will include without limitation: police station facilities (including soundproof interview rooms, confidential workspaces and a secure entrance for detainee transport) and municipal court facilities (including a courtroom that may also serve as a public meeting facility or City Council chambers), all as determined necessary and advisable by the City Council.

(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 3. Calling of Election.

(a) The Auditor of Yakima County, Washington, as *ex officio* Supervisor of Elections (the "Auditor"), is requested to call and conduct a special election, in the manner provided by law, to be held in the City on November 8, 2022 (the "Special Election"), in conjunction with the State General election to be held on the same date, for the purpose of submitting to the City's voters, 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.

(b) 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 4. Authorization to Issue the Bonds.

(a) 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.

(b) The Bonds will be issued as fully registered bonds; bear interest payable as permitted by law; mature within 31 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.

(c) 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 5. Intent to Reimburse. To the extent the City makes capital expenditures for the Project prior to the date the City issues the Bonds (including the Bonds or other bonds or obligations issued as tax-exempt 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 6. 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 police, municipal court and other law and justice purposes; or (b) retire and/or defease a portion of the Bonds or other outstanding bonds of the City, 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 7. 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 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 8. Form of Ballot Title. Pursuant to RCW 29A.36.071, the City Attorney, Rob Case, is authorized and directed to prepare the concise description of the aforesaid proposition for the ballot title in substantially the following form:

PROPOSITION NO. 1

CITY OF SELAH, WASHINGTON

BONDS TO CONSTRUCT LAW AND JUSTICE CENTER

The City Council of the City of Selah, Washington, passed Ordinance No. _____, concerning law and justice facilities to prevent crime and protect rights. This proposition would authorize the City to: construct a Law and Justice Center suitable for serving the community's current and future police department and municipal court needs and for preventing crime, preserving the public peace, and protecting life,

property and the rights of all persons; issue no more than \$12,700,000 of general obligation bonds maturing within 31 years; and levy annual excess property taxes to repay the bonds, all as specified in Ordinance No. _____. Should this proposition be:

Approved

Rejected

Section 9. Authorization to Deliver Ordinance to Auditor and Perform Other Necessary Duties. The City Administrator or his designee is authorized and directed to: (a) present a certified copy of this ordinance to the Auditor no later than August 2, 2022; and (b) perform such other duties as are necessary or required by law to submit to the City's voters at the Special 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 10. Notices Relating to Ballot Title. For purposes of receiving notice of the exact language of the ballot title required by RCW 29A.36.080, the City Council designates (a) the City Administrator (Joe Henne), telephone: 509.698.7328; email: joe.henne@selahwa.gov; and (b) bond counsel, Foster Garvey P.C. (Lee Marchisio), telephone: 206.447.6264; email: lee.marchisio@foster.com, as the individuals to whom the Auditor shall provide such notice. The City Administrator is authorized to approve changes to the ballot title, if any, determined necessary by the Auditor.

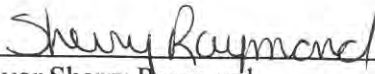
Section 11. General Authorization and Ratification of Prior Acts. The Mayor, the City Administrator, the City Clerk, other appropriate officers of the City and the City's bond counsel, Foster Garvey P.C., are authorized to take such actions and to create, accept, execute, send, use and rely upon such 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 or policy) 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 the purposes described in this ordinance and not inconsistent with the terms of this ordinance are ratified and confirmed in all respects.

Section 12. Severability. If a court of competent jurisdiction, all appeals having been exhausted or all appeal periods having run, holds any provision of this ordinance invalid or unenforceable, then the offending provision is null and void, is separate and severable from the remaining provisions 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 takes effect from and after its passage and five days following its publication as required by law.

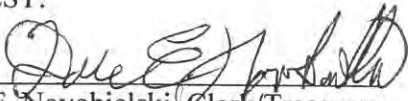
PASSED by the City Council and APPROVED by the Mayor of the City of Selah, Washington, at a regular open public meeting held this 12th day of July, 2022.

CITY OF SELAH, WASHINGTON



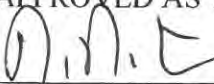
Mayor Sherry Raymond

ATTEST:



Dale E. Novobielski, Clerk/Treasurer

APPROVED AS TO FORM:



Rob Case, City Attorney

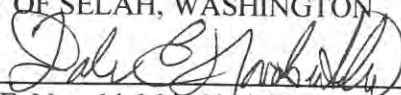
CERTIFICATION

I, Dale E. Novobielski, City Clerk of the City of Selah, Washington (the "City"), certify as follows:

1. The foregoing Ordinance No. 2161 (the "Ordinance") is a full, true and correct copy of the Ordinance duly passed at a regular meeting of the City Council held at its regular meeting place on July 12, 2022 (the "Meeting"), as that Ordinance appears on the minute book of the City.
2. The Ordinance will be in full force and effect five days after publication in the City's official newspaper, which publication date is , 2022.
3. The Meeting was duly convened, held and included an opportunity for public comment, in all respects in accordance with law, a quorum of the members of the City Council was present throughout the meeting and a sufficient number of members of the City Council present voted in the proper manner for the passage of the Ordinance.

DATED: July 12, 2022.

CITY OF SELAH, WASHINGTON



Dale E. Novobielski, Clerk/Treasurer