

JAN 14 2019

RECEIVED

CITY OF FIRCREST  
ORDINANCE NO. 1631

**AN ORDINANCE OF THE CITY OF FIRCREST, WASHINGTON, PROVIDING FOR THE SUBMISSION TO THE VOTERS OF THE CITY AT A SPECIAL ELECTION TO BE HELD ON APRIL 23, 2019, OF A PROPOSITION AUTHORIZING THE CITY TO ISSUE ITS GENERAL OBLIGATION BONDS FOR POOL, COMMUNITY CENTER AND PARKS PROJECTS, IN THE PRINCIPAL AMOUNT OF NO MORE THAN \$13,500,000 PAYABLE BY ANNUAL PROPERTY TAX LEVIES TO BE MADE IN EXCESS OF REGULAR PROPERTY TAX LEVIES, AND TO LEVY THOSE EXCESS PROPERTY TAXES.**

**WHEREAS**, the City Council of the City of Fircrest, Washington (the "City"), has determined that it is in the best interest of the City to finance the rebuild, renovation and improvement to the City's pool, community center and parks (collectively, the "Project"); and

**WHEREAS**, the City Council wishes to seek voter approval for the issuance and sale of not to exceed \$13,500,000 of general obligation bonds of the City to pay a portion of the costs of the Project and the costs of issuance of such bonds, to be repaid by an annual excess property tax levy; and

**WHEREAS**, the City has received a letter of commitment for a \$1,000,000 donation (to be received in four equal annual installments of \$250,000 per year, with the first installment received in October 2018) for the pool and community center portion of the Project, and \$750,000 in capital funds from the State of Washington for the pool portion of the Project; and

**WHEREAS**, the City continues to apply for various grants for the Project and has procured a capital campaign consultant for the City's capital campaign to raise additional funds to lower the tax impact on City property owners; 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 FIRCREST, WASHINGTON, DOES ORDAIN AS FOLLOWS:**

**Section 1. Project.** The City Council finds that it is in the best interest of the City to undertake the rebuild, renovation and improvement of the City's pool, community center and parks, including, but not limited the following:

- Rebuild the City's pool, including a new bathhouse, lap pool, wading pool, and other pool features.
- Rebuild the City's community center, to include a gymnasium, kitchen, fitness area, meeting/social spaces, and other needed space.
- Parks projects, which may include, but are not limited to:
  - Fircrest Park, which may include turf improvements, ballfield adjustments, tennis courts, storage garage, pavilion roof, paved paths and lighting improvements; and
  - Whittier Park, which may include irrigation improvements, restroom renovation and lighting improvements.

The Project shall include all necessary equipment, supplies, and appurtenances. 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 Project shall be deemed a part of the costs of such capital improvements.

The estimated cost of the Project, including the costs of issuing and selling the bonds authorized by this ordinance, is declared to be approximately \$18,000,000, of which approximately \$4,500,000, is expected to be paid with donations and grants.

The City Council may modify the details of the foregoing Project where necessary or advisable in the judgment of the City Council.

**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 25 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, option 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 Project. 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 Project, or if State or local circumstances require any alteration in the Project, the City may acquire, construct, equip and make other capital improvements to the City's pool, community center or park facilities, or retire and/or defease a portion of the Bonds, all as the City 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 the Project or portions of the Project, the City may use the proceeds of the Bonds and other available money for paying the costs of those portions of the Project 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 Auditor of Pierce County, Washington (the "Auditor") call and conduct a special election in the City, in the manner provided by law, to be held therein on April 23, 2019, 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 \$13,500,000 (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 Project, and annual excess property taxes shall be levied to pay and retire the Bonds.

If such proposition is approved by the requisite number of voters, the City shall be authorized to issue the Bonds in the manner described in this ordinance, to spend the proceeds thereof to pay the costs of the Project, and to levy excess property taxes to pay and retire such Bonds. The proceeds of the Bonds shall be used for capital purposes only, which shall not include the replacement of equipment.

**Section 5. Ballot Proposition.** The City Clerk is authorized and directed to certify, no later than February 22, 2019 to the Auditor, 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 \_\_\_\_\_

CITY OF FIRCREST  
POOL, COMMUNITY CENTER AND PARKS BONDS

The City Council of the City of Fircrest adopted Ordinance No. \_\_\_\_\_ concerning a proposition for financing pool, community center and parks construction, renovation and improvements. If approved, this proposition would authorize the City to issue bonds to rebuild the City's pool, including bathhouse, and community center, and make improvements to the ballfields, turf, lighting and facilities of Fircrest Park, and irrigation and facilities of Whittier Park. It would authorize issuance of \$13,500,000 of general obligation bonds maturing within 25 years, and authorize the annual levy of excess property taxes to pay such bonds, as provided in Ordinance No. \_\_\_\_\_. 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 its City Attorney (Michael Smith, 253-565-3400) and its bond counsel, Foster Pepper PLLC (Stacie Amasaki, 206-447-6278, stacie.amasaki@foster.com), as the person to whom such notice shall be provided. The City Attorney is authorized to make changes to the ballot title to meet legal requirements so long as the intent is not modified.

**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 and excess taxes necessary to pay and retire the bonds be levied, all as provided in this ordinance, shall be submitted to the voters of the City at the April 23, 2019 special election.

**Section 7. Authorization of Local Voters' Pamphlet.** To the extent a local voters' pamphlet and/or online voters' guide will be produced for the April 23, 2019 special election (the "Pamphlet"), the City is authorized to participate in the preparation and distribution of information on the ballot title for inclusion in the Pamphlet. The City reserves the right, as determined by the City Manager or his or her designee, not to participate in the preparation and distribution of the Pamphlet if such participation would create undue financial hardship for the City or would otherwise not be in the best interests of the City. The Pamphlet may include, as applicable, an explanatory statement and statements in favor of and in opposition to the ballot title. The preparation of the explanatory statement, the appointment of pro/con committees, the preparation of statements in favor of and in opposition to the ballot title, and the payment of the costs of the Pamphlet will be governed by chapter 29A.32 RCW and the rules and guidelines of the Auditor, as applicable. The City understands that it is responsible to pay its proportionate share of the costs of the Pamphlet under RCW 29A.32.270.

**Section 8. Intent to Reimburse.** The City Council declares that to the extent that the City makes capital expenditures for the Project, prior to the date the Bonds or other short-term obligations are issued 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 finance the Project, 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.

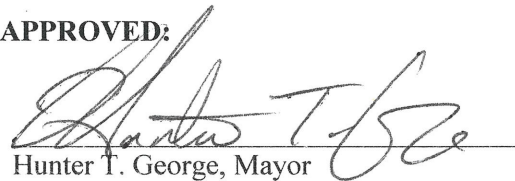
**Section 9. Severability.** If any provision of this ordinance is declared by any court of competent jurisdiction to be invalid, then such provision shall be null and void and shall be severable from the remaining provisions of this ordinance, and shall in no way affect the validity of the other provisions of this ordinance or of any other ordinance or resolution or of the Bonds.

**Section 10. Publication and Effective Date.** This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication.

**Section 11. Ratification of Prior Acts.** Any action taken consistent with the authority of this ordinance, after its passage but prior to the effective date, is ratified, approved, and confirmed.

**PASSED BY THE CITY COUNCIL OF THE CITY OF FIRCREST, WASHINGTON,** at a regular public meeting thereof, held this 8th day of January, 2019.

**APPROVED:**

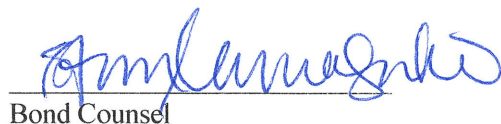
  
Hunter T. George, Mayor

**ATTEST:**

  
Jessica Nappi, City Clerk

**APPROVED AS TO FORM:**

  
Michael B. Smith, City Attorney

  
Bond Counsel

**DATE OF PUBLICATION:** 1/10/2019  
**EFFECTIVE DATE:** 1/16/2019



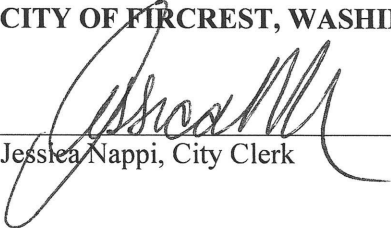
## CERTIFICATION

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

1. The attached copy of Ordinance No. 1631 (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 of Fircrest held at the regular place thereof on January 8, 2019, as that ordinance appears on the minute book of the City; and the Ordinance will be in full force and effect five days after publication 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 the members voted in the proper manner for the passage of the Ordinance.

**IN WITNESS WHEREOF**, I have hereunto set my hand this 8th day of January, 2019.

**CITY OF FIRCREST, WASHINGTON**

  
\_\_\_\_\_  
Jessica Nappi, City Clerk