

ORDINANCE No. 183835

- * Authorize a borrowing of not more than \$32,450,000 in anticipation of the Fire and Police Disability and Retirement Fund levy for fiscal year 2010-2011 (Ordinance)

THE CITY OF PORTLAND ORDAINS:

Section 1. The Council finds:

1. The Fire and Police Disability and Retirement Fund of the City of Portland (the "City") will experience a cumulative cash flow deficit during fiscal year 2010-2011.
2. Oregon Revised Statutes Section 287A.180 authorizes the City to borrow money in anticipation of taxes and other moneys to be received by the City in fiscal year 2010-2011, and to pledge its anticipated taxes and other revenues to secure those borrowings, so long as the borrowings mature within 13 months after they are issued and do not exceed 80 percent of the amount the City has budgeted to receive in that fiscal year.
3. The City will budget to receive approximately \$109 million of ad valorem taxes for the Fire and Police Disability and Retirement Fund in fiscal year 2010-2011.
4. Federal law permits the City to finance its deficit in the Fire and Police Disability and Retirement Fund with tax-exempt obligations, and to avoid payment of arbitrage rebate in connection with the borrowings, if the City's actual cash flow deficit exceeds the amount it borrows.
5. The City adopts this Ordinance to authorize the City to borrow not more than \$32,450,000 in anticipation of the Fire and Police Disability and Retirement Fund levy for fiscal year 2010-2011.

NOW, THEREFORE, the Council directs:

- a. The City may borrow and have outstanding up to \$32,450,000 of borrowings in anticipation of its Fire and Police Disability and Retirement Fund levy for fiscal year 2010-2011. The borrowings shall mature not later than thirteen months after they are issued, shall be issued under the authority of ORS 287A.180, and may be in the form of one or more notes, lines of credit, or other obligations. In connections with these borrowings, the Debt Manager of the City, the Chief Financial Officer of the Bureau of Financial Services, the Chief Administrative Officer of the Office of Management and Finance, or the person designated by the Chief Administrative Officer of the Office of Management and Finance to act as Debt Manager under this Ordinance may, on behalf of the City:
 1. borrow money from one or more commercial banks in the form of notes, lines of credit or other obligations, or sell notes or other obligations in the public securities markets by negotiated sale or competitive bid;

2. participate in the preparation of, authorize the distribution of, and deem final any disclosure documents that are desirable for the borrowings;
3. establish the final principal amounts, maturity dates, interest rates, sale prices, redemption terms, payment terms and dates, and other terms of the borrowings within the limitations of this Ordinance;
4. pledge the City's full faith and credit, ad valorem taxing power, and any other City taxes and revenues to pay the borrowings;
5. provide that the borrowings bear interest that is excludable from, or includable in, gross income under the federal internal revenue code;
6. covenant to comply with the requirements of federal law that are necessary for interest on tax-exempt borrowings to be excludable from gross income under the federal internal revenue code;
7. negotiate the terms of, and execute and deliver any legal documents that are desired to carry out the borrowings authorized by this Ordinance, execute and deliver any related certificates or other documents, and take any other action in connection with the borrowings which the Debt Manager finds will be advantageous.

Section 2. The Council declares that an emergency exists in order to ensure funds are available to meet the Fire and Police Disability and Retirement Fund cash flow needs in a timely manner; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council: **MAY 26 2010**


Mayor Sam Adams

Prepared by: Bond Counsel:EJ:KB

Date Prepared: May 7, 2010

LaVonne Griffin-Valade
Auditor of the City of Portland

By



Deputy

769

Agenda No. **183835**
ORDINANCE NO.
 Title

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<p>INTRODUCED BY Commissioner/Auditor: Mayor Sam Adams</p>	<p>CLERK USE: DATE FILED <u>MAY 21 2010</u></p>
<p>COMMISSIONER APPROVAL</p> <p>Mayor—Finance and Administration - Adams <i>[Signature]</i></p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Leonard</p>	<p style="text-align: center;">LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By: <i>[Signature]</i> Deputy</p>
<p>BUREAU APPROVAL</p> <p>Bureau: Office of Finance and Administration Bureau Head: Ken Rust <i>[Signature]</i></p> <p>Prepared by: Eric Johansen:PT <i>[Signature]</i> Date Prepared: May 7, 2010</p> <p>Financial Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <input type="checkbox"/></p> <p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Council Meeting Date May 26, 2010</p>	<p>ACTION TAKEN:</p>
<p>City Attorney Approval</p>	

AGENDA
<p>TIME CERTAIN <input type="checkbox"/></p> <p>Start time: _____</p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>
<p>CONSENT <input type="checkbox"/></p>
<p>REGULAR <input checked="" type="checkbox"/></p> <p>Total amount of time needed: 5 minutes (for presentation, testimony and discussion)</p>

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	✓	
2. Fish	2. Fish	✓	
3. Saltzman	3. Saltzman	—	
4. Leonard	4. Leonard	✓	
Adams	Adams	✓	