

ORDINANCE No.

Authorize revenue bonds in an amount sufficient to provide up to \$3 million for Habitat Restoration Costs (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. The City is authorized to issue revenue bonds for a public purpose under ORS 287A.150 and related statutes (the “Act”). Revenue bonds issued under the Act may be payable from all or any portion of the “revenue” of the City, as defined in ORS 287A.001(16). ORS 287A.001(16) defines “revenue” to include all fees, tolls, excise taxes, assessments, property taxes and other taxes, rates, charges, rentals and other income or receipts derived by a public body or to which a public body is entitled. The City is also authorized to issue revenue bonds to refund revenue bonds pursuant to ORS 287A.360 to 287A.375.
2. The City may authorize revenue bonds under the Act by nonemergency ordinance. The City may not sell the revenue bonds under the Act until the period for referral of the nonemergency ordinance authorizing the revenue bonds has expired. If a nonemergency ordinance authorizing the revenue bonds is referred, the City may not sell the revenue bonds unless the voters approve the revenue bonds.
3. The City has determined that there is a need for revenue bonds in an amount sufficient to provide up to \$3 million to finance costs associated with the resolution of natural resource damages liability in Portland Harbor, including the purchase of credits in habitat restoration projects and associated expenses, and associated administrative costs related to settlement with the Natural Resources Trustees (collectively, “Habitat Restoration Costs”), plus additional amounts sufficient to pay costs related to the bonds.

NOW, THEREFORE, the Council directs:

- a. Revenue Bonds Authorized. The City hereby authorizes the issuance of revenue bonds pursuant to the Act in an amount sufficient to provide up to \$3 million for costs related to Habitat Restoration Costs, plus additional amounts sufficient to pay capitalized interest, accrued interest on any interim financing and estimated costs related to the revenue bonds authorized by this Section 1.a. The principal amount of revenue bonds to be sold pursuant to this Section 1.a is estimated not to exceed \$3.4 million.
- b. Refunding Bonds Authorized. If all or any portion of the revenue bonds authorized by Section 1.a are issued to provide interim financing for Habitat Restoration Costs, the City may issue revenue bonds to refund those interim financings and pay associated costs pursuant to ORS 287A.360 to 287A.375. The revenue bonds that are authorized by this Section 1.b may be issued in amounts that are sufficient to refund any interim financing that is obtained under Section 1.a, plus additional amounts sufficient to pay accrued

interest on any interim financing and the estimated costs related to issuing the refunding bonds authorized by this Section 1.b and repaying the interim financing.

- c. Security and Use of Bond Proceeds. The revenue bonds authorized by Sections 1.a and 1.b of this ordinance (the “Bonds”) shall be secured by the full faith and credit and available general funds of the City. Proceeds of the Bonds may be spent only to pay costs related to the Habitat Restoration Costs and costs related to issuing, paying and refunding the Bonds.
- d. No Additional Taxes Authorized. No Bonds shall be general obligations of the City and neither the authorization nor the issuance of any Bonds shall authorize the City to levy any additional taxes.
- e. Procedure. No Bonds may be sold and no purchase agreement for any Bonds may be executed until the period of referral of this nonemergency ordinance has expired and this ordinance takes effect. If this ordinance is referred, the City may not sell the Bonds unless the voters approve this ordinance.
- f. Delegation. After this ordinance takes effect the Debt Manager of the City, the City Treasurer, the Director of the Bureau of Revenue and 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 (any of whom is referred to in this ordinance as a “Debt Manager”) may, on behalf of the City and without further action by the Council:
 - 1. Issue the Bonds in one or more series, which may be sold at different times and in combination with other series of revenue bonds authorized by the Council.
 - 2. Issue one or more series of the Bonds to provide interim financing for Habitat Restoration Costs, enter into lines of credit or similar documents which permit the City to draw Bond proceeds over time, and issue short or long term Bonds to refund the Bonds that provide interim financing for the Habitat Restoration Costs.
 - 3. Issue one or more series of the Bonds to provide long term financing for the Habitat Restoration Costs.
 - 4. Participate in the preparation of, authorize the distribution of, and deem final preliminary and final official statements or other disclosure documents for each series of the Bonds.
 - 5. Subject to the limits in this ordinance, establish the final principal amounts, maturity schedules, interest rates, sale prices, redemption terms, payment terms and dates, record dates and other terms for each series of the Bonds, and either publish a notice of sale, receive bids and award the sale of each series to the bidder complying with the notice and offering the most favorable terms to the City, or select one or more underwriters or lenders and negotiate the sale of any series with those underwriters or lenders.

6. Undertake to provide continuing disclosure for any series of the Bonds in accordance with Rule 15c2-12 of the United States Securities and Exchange Commission.
7. Finalize the terms of, execute, and deliver bond declarations or other documents that describe the terms of each series of the Bonds. The bond declarations or other documents may also contain covenants for the benefit of the owners.
8. Appoint and enter into agreements with service providers for the Bonds.
9. Issue any qualifying series of Bonds as "tax-exempt bonds" bearing interest that is excludable from gross income under the Internal Revenue Code of 1986, as amended, (the "Code") and enter into covenants for the benefit of the owners of those series to maintain the excludability of interest on those series from gross income under the Code.
10. Issue any qualifying series of Bonds as "tax credit bonds," "federal subsidy bonds" or other obligations that are eligible for federal tax credits, federal interest rate subsidies or other federal benefits, and enter into any covenants and take any actions that are required to qualify for those federal benefits.
11. Issue any series of Bonds as "taxable bonds" bearing interest that is includable in gross income under the Code.
12. Apply for and purchase municipal bond insurance or obtain other forms of credit enhancements for any series of Bonds, enter into agreements with the providers of credit enhancement, and execute and deliver related documents.
13. Execute and delivery any other documents and take any other action in connection with the Bonds that the Debt Manager finds will be advantageous to the City.

NOV 19 2014

Passed by the Council:

Mayor Charlie Hales
Prepared by: Bond Counsel: ^{JB}Jonas Biery
Date Prepared: October 22, 2014

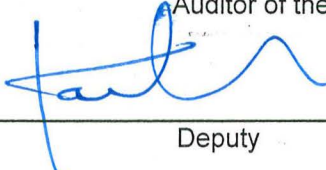
LaVonne Griffin-Valade
Auditor of the City of Portland

By



Agenda No. **186893**
ORDINANCE NO.
 Title

Authorize revenue bonds in an amount sufficient to provide up to \$3 million for Habitat Restoration Costs (Ordinance)

INTRODUCED BY Commissioner/Auditor: Mayor Hales	CLERK USE: DATE FILED <u>NOV 07 2014</u>
COMMISSIONER APPROVAL Mayor—Finance and Administration - Hales Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Novick	LaVonne Griffin-Valade Auditor of the City of Portland By:  _____ Deputy
BUREAU APPROVAL Bureau: Office of Management & Finance Bureau Head: Fred Miller <i>Fred Miller</i>	ACTION TAKEN: NOV 12 2014 PASSED TO SECOND READING NOV 19 2014 9:30 A.M.
Prepared by: Bond Counsel: Jonas Biery <i>JB</i> Date Prepared: 10/22/2014	
Financial Impact & Public Involvement Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/>	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
City Auditor Office Approval: required for Code Ordinances	
City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter	
Council Meeting Date 11/12/2014	

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

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