

**CITY OF TIGARD, OREGON**  
**TIGARD CITY COUNCIL**  
**RESOLUTION NO. 10- 75**

A RESOLUTION OF THE CITY OF TIGARD, WASHINGTON COUNTY, OREGON, AUTHORIZING THE SALE OF GENERAL OBLIGATION BONDS IN ONE OR MORE SERIES TO ACQUIRE, PRESERVE AND PROTECT OPEN SPACES, WATER QUALITY, HABITAT, AND PARKS AND TO REFUND OUTSTANDING BONDS.

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WHEREAS, the voters of the City of Tigard, Washington County (the "City") approved Measure 34-181 at the November 2, 2010 general election, authorizing the City to issue \$17,000,000 of general obligation bonds to acquire, preserve and protect open spaces, water quality, habitat and parks, as described in the ballot title for Measure 34-181; and

WHEREAS, the City may be able to reduce its debt service expense and the property tax levies by refunding its general obligation borrowing that was sold to the Oregon Business Development Department, formerly Oregon Economic and Community Development Department, in Community Facilities Loan Number K03001 (the "Refundable Bond"); and

WHEREAS, the City is authorized by ORS Section 287A.360 to issue bonds to refund outstanding general obligation bonds; and

WHEREAS, it is now desirable to authorize the sale of the bonds that were approved by the voters at the November 2, 2010 election and bonds to refund the Refundable Bond;

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

Section 1: Parks Bonds Authorized. The City hereby authorizes the issuance of not more than \$17,000,000 (Seventeen Million Dollars) in aggregate principal amount of general obligation bonds to finance the projects described in Measure 34-181, including paying costs of issuing the general obligation bonds.

Section 2: Refunding Bonds Authorized. The City further authorizes the issuance of refunding general obligation bonds to refinance all or any portion of the outstanding Refundable Bond. However, the City shall not refinance the Refundable Bond unless the refinancing produces adequate savings, as determined by the City Official pursuant to Section 3(1), below. The net proceeds of the refunding general obligation bonds shall not exceed the outstanding principal amount of the Refundable Bond to be refunded, plus any amounts required to pay costs of the refunding, rounded upward to allow principal to mature in multiples of \$5,000.

Section 3: Delegation. The Finance and Information Services Director, City Manager or the Assistant City Manager (each of whom is referred to herein as a "City Official") may, on behalf of the City and without further action by the Council:

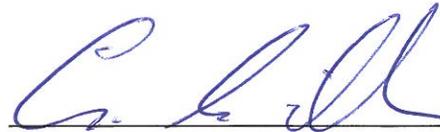
- (1) Determine whether the refunding of the outstanding Refundable Bond produces adequate savings.
- (2) Issue the general obligation park bonds authorized by Section 1, and issue the general obligation refunding bonds authorized by Section 2 if the City Official determines that the refunding produces adequate savings.

- (3) Issue the general obligation park bonds authorized by Section 1 and the general obligation refunding bonds authorized by Section 2 (collectively the "Bonds") in one or more series.
- (4) Participate in the preparation of, authorize the distribution of, and deem final any official statement or other disclosure documents relating to each series of the Bonds.
- (5) Establish the form, final principal amounts, maturity schedules, interest rates, sale prices and discount, prepayment terms, administrative provisions, and other terms of each series of Bonds.
- (6) Execute and deliver a bond declaration for each series of Bonds specifying the terms under which each series of Bonds are issued and making covenants for the benefit of bondowners. The bond declarations may also contain covenants for the benefit of any insurers of the Bonds.
- (7) For each series, publish a notice of sale, receive bids and award the sale of that series of Bonds to the bidder complying with the notice and offering the most favorable terms to the City, or select one or more underwriters, commercial banks or other investors and negotiate the sale of the Bonds with those underwriters, commercial banks or investors.
- (8) Undertake to provide continuing disclosure for each series of Bonds in accordance with Rule 15c2-12 of the United States Securities and Exchange Commission.
- (9) Apply for ratings for each series of Bonds, determine whether to purchase municipal bond insurance or obtain other forms of credit enhancements for each series of Bonds, enter into agreements with the providers of credit enhancement, and execute and deliver related documents.
- (10) Determine whether each series of Bonds will bear interest that is excludable from gross income under the Internal Revenue Code of 1986, as amended (the "Code"), or is includable in gross income under the Code. If a series bears interest that is excludable from gross income under the Code, the City Official may enter into covenants to maintain the excludability of interest on that series of the Bonds from gross income.
- (11) Issue any series of Bonds as taxable bonds that are eligible for federal interest subsidies or tax credits and enter into appropriate covenants.
- (12) Designate any series of Bonds as "qualified tax-exempt obligations" under Section 265(b)(3) of the Code.
- (13) Engage the services of verification agents, escrow agents, paying agents and any other professionals whose services are desirable for the financings.
- (14) Enter into one or more escrow deposit agreements, if necessary, for the refunding and take actions to prepay the Refundable Bond.
- (15) Execute and deliver any agreements or certificates and take any other action in connection with each series of Bonds which the City Official finds is desirable to permit the sale and issuance of that series of Bonds in accordance with this resolution.

**Section 4:** Security for Bonds. The Bonds shall be general obligations of the City. The City hereby pledges its full faith and credit to pay the Bonds, and the City covenants for the benefit of the Bondowners that the City shall levy annually, as provided by law, in addition to its other ad valorem property taxes, and outside the limitations of Sections 11 and 11b of Article IX of the Oregon Constitution, a direct ad valorem tax upon all of the taxable property within the City in sufficient amount, after considering discounts taken and delinquencies that may occur in the payment of such taxes, to pay the Bonds promptly as they mature.

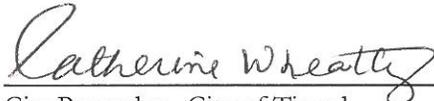
**Section 5:** This resolution is effective immediately upon passage.

PASSED: This 28<sup>th</sup> day of December 2010.



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Mayor - City of Tigard

ATTEST:



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City Recorder - City of Tigard

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