

ORDINANCE NO. 2023-_____

**AUTHORIZING AND APPROVING PUBLICATION AND POSTING OF
NOTICE OF INTENTION TO ISSUE CITY OF SAN ANTONIO, TEXAS
COMBINATION TAX AND REVENUE CERTIFICATES OF
OBLIGATION IN A MAXIMUM AGGREGATE PRINCIPAL AMOUNT
NOT TO EXCEED \$60,000,000 AND PROVIDING AN EFFECTIVE
DATE**

* * * * *

WHEREAS, the City Council (the *Governing Body*) of the City of San Antonio, Texas (the *City*) has determined that it is advisable and necessary to issue and sell one or more series of certificates of obligation (the *Certificates*), the interest on which may or may not be included in the gross income of the holders thereof for purposes of federal income taxation, in an aggregate amount not to exceed \$60,000,000 as provided pursuant to the provisions of the Certificate of Obligation Act of 1971, as amended, Texas Local Government Code, Section 271.041 through 271.064, for the purpose of paying contractual obligations of the City to be incurred for making permanent public improvements and for other public purposes, to-wit: (1) designing, acquiring, constructing, renovating, improving, and equipping various City street improvements, including necessary capital maintenance and utilities relocation, drainage, sidewalk improvements, and landscaping necessary or incidental thereto, (2) designing, acquiring, constructing, renovating, replacing, installing, and upgrading technology systems and facilities, including design, construction and renovation of City-owned public safety facilities (including Fire Station 21, Fire Station 52, Fire Station 52, the Police Academy, and new police tactical training facilities), (3) acquisition and installation of software and hardware, communications systems, information technology and related equipment necessary to support City operations (including financial services), (4) acquiring, purchasing, constructing, renovating, improving, equipping, repairing, enlarging, and/or extending City community and parks and recreation facilities (including improvements to municipal golf courses, Main Plaza, and Nelson Wolff Stadium), (5) purchasing real property, materials, supplies, equipment, information technology, machinery, landscaping, land, and rights of way for authorized needs and purposes related to the aforementioned capital improvements, and (6) the payment of professional services related to the construction, project management, and financing of the aforementioned projects; and

WHEREAS, prior to the issuance of the Certificates, the Governing Body is required to publish notice of its intention to issue the Certificates in a newspaper of general circulation and, if the City maintains an Internet website, post such notice of intention on the City's Internet website, such notice stating: (i) the time and place the City Council tentatively proposes to pass the ordinance authorizing the issuance of the Certificates; (ii) the purposes for which the Certificates are to be issued; (iii) the manner in which the City Council proposes to pay the Certificates; (iv) the then-current principal amount of all outstanding ad valorem debt obligations of the City; (v) the then-current combined principal and interest required to pay all outstanding ad valorem debt obligations of the City on time and in full, which may be based on the City's expectations relative to the interest due on any variable rate ad valorem debt obligations; (vi) the maximum principal amount of the Certificates to be authorized; (vii) the estimated interest rate

for the Certificates to be authorized or that the maximum interest rate for the Certificates may not exceed the maximum legal interest rate; and (viii) the maximum maturity date of the Certificates to be authorized; and

WHEREAS, the Governing Body hereby finds and determines that such documents pertaining to the sale of the Certificates should be approved, and the City should proceed with the giving of notice of intention to issue the Certificates in the time, form, and manner provided by law; and

WHEREAS, the Governing Body hereby finds and determines that the adoption of this Ordinance is in the best interests of the residents of the City; **NOW, THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, TEXAS:

SECTION 1. The City Clerk is hereby authorized to cause to be published notice of the Governing Body's intention to issue the Certificates in one or more series (the interest on which on which may or may not be included in the gross income of the holders thereof for purposes of federal income taxation) and in aggregate amount not to exceed \$60,000,000 for the purpose of paying contractual obligations of the City to be incurred for making permanent public improvements and for other public purposes, to-wit: (1) designing, acquiring, constructing, renovating, improving, and equipping various City street improvements, including necessary capital maintenance and utilities relocation, drainage, sidewalk improvements, and landscaping necessary or incidental thereto, (2) designing, acquiring, constructing, renovating, replacing, installing, and upgrading technology systems and facilities, including design, construction and renovation of City-owned public safety facilities (including Fire Station 21, Fire Station 52, Fire Station 52, the Police Academy, and new police tactical training facilities), (3) acquisition and installation of software and hardware, communications systems, information technology and related equipment necessary to support City operations (including financial services), (4) acquiring, purchasing, constructing, renovating, improving, equipping, repairing, enlarging, and/or extending City community and parks and recreation facilities (including improvements to municipal golf courses, Main Plaza, and Nelson Wolff Stadium), (5) purchasing real property, materials, supplies, equipment, information technology, machinery, landscaping, land, and rights of way for authorized needs and purposes related to the aforementioned capital improvements, and (6) the payment of professional services related to the construction, project management, and financing of the aforementioned projects. The Certificates will be payable from the levy of an annual ad valorem tax, within the limitations prescribed by law, upon all taxable property within the City and additionally from a pledge of and lien on certain revenues derived from the operation of the City's municipally owned parks. The notice hereby approved and authorized to be published shall read substantially in the form and content of Exhibit A attached hereto, which notice is incorporated herein by reference as a part of this Ordinance for all purposes.

SECTION 2. The City Clerk shall cause the notice described in Section 1 to be published in a newspaper of general circulation in the City, once a week for two (2) consecutive weeks, the date of the first publication shall be at least forty-six (46) days prior to the date stated therein for passage of the ordinance or ordinances authorizing the issuance of the Certificates. Additionally, the City Clerk shall cause the notice described in Section 1 to be posted continuously on the

City's website for at least forty-five (45) days prior to the date stated therein for passage of the ordinance or ordinances authorizing the issuance of the Certificates.

SECTION 3. The City Clerk is directed to maintain a copy of this Ordinance in the City's official records in a manner that will allow any member of the general public to review this Ordinance during the normal business hours of the City during the period beginning thirty (30) days after the adoption hereof and ending on the date of issuance of the Certificates.

SECTION 4. All ordinances and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

SECTION 5. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 6. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Ordinance would have been enacted without such invalid provision.

SECTION 7. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, as amended, Texas Government Code.

SECTION 8. The City Council hereby finds that the statements set forth in the recitals of this Ordinance are true and correct, and the City Council hereby incorporates such recitals as a part of this Ordinance.

SECTION 9. The effective date of this Ordinance is governed by the provisions of Section 1-15 of the City Code of San Antonio, Texas and this Ordinance is effective immediately upon its passage by eight (8) affirmative votes, and it is so enacted.

* * *

PASSED AND ADOPTED by an affirmative vote of ____ members of the City Council of the City of San Antonio, Texas, this the 8th day of June, 2023

M A Y O R
Ron Nirenberg

ATTEST:

Debbie Racca-Sittre, City Clerk

I, the undersigned, City Attorney of the City of San Antonio, Texas, hereby certify that I read, passed upon, and approved as to form the foregoing Ordinance prior to its adoption and passage as aforesaid.

City Attorney
City of San Antonio, Texas

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EXHIBIT A

CITY OF SAN ANTONIO, TEXAS NOTICE OF INTENTION TO ISSUE COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION

NOTICE IS HEREBY GIVEN that the City Council of the City of San Antonio, Texas will convene at its regular meeting place in the Municipal Plaza Building in San Antonio, Texas at 9:00 o'clock A.M., San Antonio, Texas time, on June 8, 2023 (in the event the City Council will be unable to meet at the Municipal Plaza Building, the City will post information on its website for attending the meeting by telephone, teleconference, or other electronic means as well as any additional information regarding the meeting should the time, date, or location change), and during such meeting, the City Council will consider the passage of an ordinance or ordinances and take such actions as may be deemed necessary to authorize the issuance of one or more series of certificates of obligation (the interest on which may or may not be included in the gross income of the holders thereof for purposes of federal income taxation) in an aggregate principal amount not to exceed \$60,000,000 for the purpose or purposes of paying contractual obligations of the City to be incurred for making permanent public improvements and for other public purposes, to wit: (1) designing, acquiring, constructing, renovating, improving, and equipping various City street improvements, including necessary capital maintenance and utilities relocation, drainage, sidewalk improvements, and landscaping necessary or incidental thereto, (2) designing, acquiring, constructing, renovating, replacing, installing, and upgrading technology systems and facilities, including design, construction and renovation of City-owned public safety facilities (including Fire Station 21, Fire Station 52, Fire Station 52, the Police Academy, and new police tactical training facilities), (3) acquisition and installation of software and hardware, communications systems, information technology and related equipment necessary to support City operations (including financial services), (4) acquiring, purchasing, constructing, renovating, improving, equipping, repairing, enlarging, and/or extending City community and parks and recreation facilities (including improvements to municipal golf courses, Main Plaza, and Nelson Wolff Stadium), (5) purchasing real property, materials, supplies, equipment, information technology, machinery, landscaping, land, and rights of way for authorized needs and purposes related to the aforementioned capital improvements, and (6) the payment of professional services related to the construction, project management, and financing of the aforementioned projects (collectively, the "Projects"), and for paying all or a portion of the legal, financial and engineering fees in connection with the Projects and the costs of issuance related to such hereinafter defined Certificates. Each series of certificates (together, the "Certificates") will be payable from the levy of an annual ad valorem tax, within the limitations prescribed by law, upon all taxable property within the City and, additionally, from a pledge of and lien on certain revenues derived from the operation of the City's municipally owned parks. In accordance with Section 271.049, as amended, Texas Local Government Code, (i) the current principal amount of all of the City's outstanding public securities secured by and payable from ad valorem taxes is \$ _____; (ii) the current combined principal and interest required to pay all of the City's outstanding public securities secured by and payable from ad valorem taxes on time and in full is \$ _____; (iii) the estimated combined principal and interest required to pay the Certificates to be authorized on time and in full is \$ _____ (iv) the maximum interest rate for the Certificates may not exceed the maximum legal interest rate; and (v) the maximum maturity date of the Certificates to be authorized is _____, 20___. The Certificates are

to be issued, and this notice is given, under and pursuant to the provisions of the Certificate of Obligation Act of 1971, as amended, Texas Local Government Code Section 271.041 through Section 271.064, and Chapters 1502 and 1371, each as amended, Texas Government Code, and the City's Home Rule Charter.

/s/ Debbie Racca-Sittre
City Clerk
City of San Antonio, Texas