ORDINANCE NO. 3407

AN ORDINANCE OF THE CITY COUNCIL OF CITY OF KIRKLAND, WASHINGTON, PROVIDING FOR THE ISSUANCE AND SALE OF UNLIMITED TAX GENERAL OBLIGATION BONDS OF THE CITY IN THE AGGREGATE PRINCIPAL AMOUNT OF \$500,000, FOR THE PURPOSE OF FINANCING CERTAIN CAPITAL IMPROVEMENTS PURSUANT TO AN ELECTION AUTHORIZING THE SAME; PROVIDING THE DATE, FORM, TERMS AND MATURITIES OF THE BONDS TO BE ISSUED AND FOR UNLIMITED TAX LEVIES TO PAY THE PRINCIPAL THEREOF AND INTEREST THEREON. AUTHORIZING A PRELIMINARY OFFICIAL STATEMENT; AND APPROVING THE SALE OF SUCH BONDS.

WHEREAS, pursuant to an election held on September 15, 1992, the elections of the City authorized the issuance of \$4,820,000 of general obligation bonds for various capital purposes specified in City Ordinance No. 3326; and

WHEREAS, the City has heretofore issued \$2,300,000 of the authorized bonds as a first series; and

WHEREAS, the City now deems it appropriate to sell a second series of the authorized bonds and that the written offer of Piper Jaffray Inc. to purchase said bonds be accepted;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Kirkland as follows:

<u>Section 1.</u> <u>Definitions</u>. As used in this ordinance, the following words shall have the following meanings:

"Bond Fund" means the 1994 UTGO Public Safety Bond Fund, established pursuant to Section 9 of this ordinance.

"<u>Bond Register</u>" means the registration books for the Bonds, maintained by the Bond Registrar, for the purpose of complying with the requirements of Section 149 of the Code and listing, <u>inter alia</u>, the names and addresses of all registered owners of Bonds.

"<u>Bond Registrar</u>" means the fiscal agency of the State of Washington in either Seattle, Washington, or New York, New York, for the purposes of registering and authenticating the Bonds, maintaining the Bond Register, effecting transfer of ownership of the Bonds and paying interest on and principal of the Bonds.

"Bonds" means the \$500,000 of City of Kirkland, Washington, Unlimited Tax General Obligation Bonds, 1994, issued pursuant to this ordinance. "<u>Bond Year</u>" means each one-year period that ends on the date selected by the City. The first and last Bond Years may be short periods. If no day is selected by the City before the earlier of (i) the final maturity date of the Bonds or (ii) the date that is five years after the date of issuance of the Bonds, Bond Years shall end on each anniversary of the date of issue and on the final maturity date of the Bonds.

"<u>City</u>" means City of Kirkland, Washington, a municipal corporation duly organized and existing under and by virtue of the laws of the State of Washington.

"<u>City Council</u>" means the duly constituted City Council as the general legislative authority of the City.

"<u>Code</u>" means the federal Internal Revenue Code of 1986, as amended from time to time, and the applicable regulations thereunder.

"<u>Computation Date</u>" means the date selected by the City to make arbitrage rebate computations.

"Computation Period" means the period between Computation Dates.

"<u>Construction Fund</u>" means the City's fund designated as the 1994 UTGO Public Safety Construction Fund and authorized to be created by Section 9 of this ordinance.

"Director of Administration and Finance" means the chief financial officer of the City.

"Discharge" occurs on the date that all amounts due under the terms of the Bonds are actually and unconditionally due if cash is available at the place of payment and no interest accrues with respect to the Bonds after such date.

"<u>Government Obligations</u>" has the meaning given such term in RCW Chapter 39.53, as now existing or hereafter amended.

"Payments" means:

(a) Amounts actually or constructively paid to acquire an investment.

(b) In the case of an investment that is first allocated to the Bonds or becomes subject to a rebate requirement on a date after it is actually acquired, the value of the investment at the beginning of the Computation Period.

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(c) In the case of an investment that was allocated to the Bonds at the end of the preceding Computation Period, the value of that investment at the beginning of the Computation Period.

(d) On the last day of each Bond Year during which there are amounts allocated to the Bonds and subject to the rebate requirements, and on the final maturity date of the Bonds, a computation credit of \$1,000.

(e) Any Yield Reduction Payments.

"<u>Rebatable Arbitrage</u>" means the amount required to be paid pursuant to Section 148(f) of the Code.

"Receipts" means:

(a) Amounts actually or constructively received with respect to an investment such as earnings and return of principal.

(b) In the case of an investment that ceases to be allocated to the Bonds before its disposition or redemption date, the value of that investment on the date it ceases to be allocated to the Bonds.

(c) In the case of an investment that is held at the end of any Computation Period, the value of that investment at the end of the Computation Period.

"<u>Yield Reduction Payments</u>" mean payments made to the United States in the manner permitted by Internal Revenue Service regulations that reduce the yield on investments.

<u>Section 2.</u> <u>Authorization of Bonds</u>. For the purpose of paying a portion of the costs of the public safety projects specified in Ordinance No. 3326, consisting of the acquisition, installation and implementation of a new fire, police and local government emergency communication system including equipment and facilities, and paying costs of issuance, the City shall issue a second series of its unlimited tax general obligation bonds in the aggregate principal amount of \$500,000 (the "Bonds").

The Bonds shall be designated as the "City of Kirkland, Washington, Unlimited Tax General Obligation Bonds, 1994," shall be dated as of March 1, 1994, shall be fully registered as to both principal and interest, shall be in the denomination of \$5,000 each, or any integral multiple thereof, provided that no Bond shall represent more than one maturity, shall be numbered separately in such manner and with any additional designation as the Bond Registrar deems necessary for 0 - 34.0%

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purposes of identification, and shall bear interest from their date payable on the first days of each June and December, commencing on December 1, 1994 at the following per annum interest rates and shall mature on December 1 of the following years in the following principal amounts:

Maturity Years (December 1)	Principal Amount	Interest Rates
1995	\$ 40,000	3.20%
1996	40,000	3.50
1997	45,000	3.75
1998	45,000	3.95
1999	50,000	4.15
2000	50,000	4.35
2001	55,000	4.45
2002	55,000	4.55
2003	60,000	4.65
2004	60,000	4.75

<u>Section 3.</u> <u>Registration and Exchange</u>. The Bonds shall be in registered form as to both principal and interest. The Bond Registrar shall maintain the Bond Register. Such Bond Register shall contain the name and mailing address of the owner of each Bond or nominee of such owner and the principal amount and number of Bonds held by each owner or nominee.

Upon surrender thereof to the Bond Registrar, the Bonds are interchangeable for Bonds in any authorized denomination of an equal aggregate principal amount and of the same interest rate and maturity. Bonds may be transferred only if endorsed in the manner provided thereon and surrendered to the Bond Registrar. Such exchange or transfer shall be without cost to the owner or transferee.

Both principal of and interest on the Bonds shall be payable in lawful money of the United States of America. Interest on the Bonds shall be paid by check or draft mailed (on the date such interest is due) to the registered owners or assigns at the addresses appearing on the Bond Register as of the 15th day of the month preceding the interest payment date. Principal of the Bonds shall be payable upon presentation and surrender of the Bonds by the registered owners at the principal offices of either of the fiscal agencies of the State of Washington in the cities of Seattle, Washington, or New York, New York, at the option of such owners.

Section 4. Redemption/Purchase of Bonds.

(a) <u>Optional Redemption</u>. The Bonds are not subject to redemption prior to their scheduled maturities.

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(b) <u>Purchase of Bonds for Retirement</u>. The City further reserves the right to use at any time any legally available funds to purchase any of the Bonds for retirement.

<u>Section 5.</u> Form of Bonds. The Bonds shall be in substantially the following form:

UNITED STATES OF AMERICA

NO. _____

\$

STATE OF WASHINGTON

CITY OF KIRKLAND

UNLIMITED TAX GENERAL OBLIGATION BOND, 1994

INTEREST RATE: MATURITY DATE:

CUSIP NO.:

Registered Owner:

Principal Amount:

The CITY OF KIRKLAND, WASHINGTON (the "City"), hereby acknowledges itself to owe and for value received promises to pay to the Registered Owner identified above, or registered assigns, on the Maturity Date identified above, the Principal Amount indicated above and to pay interest thereon from March 1, 1994, or the most recent date to which interest has been paid or duly provided for until payment of this bond at the Interest Rate set forth above, payable on the first days of each June and December, commencing on December 1, 1994. Both principal of and interest on this bond are payable in lawful money of the United States of America. Interest shall be paid by mailing a check or draft (on the date such interest is due) to the Registered Owner or assigns at the address shown on the Bond Register as of the 15th day of the month prior to the interest payment date. Principal shall be paid to the Registered Owner or assigns upon presentation and surrender of this bond at the principal office of the fiscal agencies of the State of Washington in either Seattle, Washington or New York, New York (collectively the "Bond Registrar").

This bond is one of an authorized issue of bonds of like date and tenor, except as to number, amount, rate of interest and date of maturity in the aggregate principal amount of \$500,000, and is issued pursuant to an election authorizing the same as a second series for the purpose of undertaking certain capital improvements to the City's public safety programs pursuant to an election authorizing the same.

Reference is hereby made to additional provisions of this bond set forth on the reverse side hereof and such additional provisions shall for all purposes have the same effect as if set forth in this space.

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This bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under Ordinance No. 3407 of the City (the "Bond Ordinance") until the Certificate of Authentication hereon shall have been manually signed by or on behalf of the Bond Registrar.

The bonds of this issue are issued under and in accordance with the provisions of the Constitution and applicable statutes of the State of Washington and ordinances duly adopted by the City Council, including the Bond Ordinance.

It is hereby certified that all acts, conditions and things required by the Constitution and statutes of the State of Washington to exist, to have happened, been done and performed precedent to and in the issuance of this bond have happened, been done and performed and that the issuance of this bond and the bonds of this issue does not violate any constitutional, statutory or other limitation upon the amount of bonded indebtedness that the City may incur.

IN WITNESS WHEREOF, the City of Kirkland, Washington has caused this bond to be executed by the manual or facsimile signature of its Mayor and attested by the manual or facsimile of the Clerk or Director of Administration and Finance of the City, as of this first day of March, 1994.

CITY OF KIRKLAND, WASHINGTON

By <u>/s/ manual or facsimile</u> Mayor

ATTEST:

/s/ manual or facsimile Clerk/Director of Administration and Finance of the City

[FORM OF REVERSE SIDE OF BOND]

ADDITIONAL PROVISIONS

The bonds of this issue are not subject to redemption prior to their scheduled maturities.

The bonds of this issue are not "private activity bonds" as such term is defined in the Internal Revenue Code of 1986, as amended (the "Code"). The bonds of this issue have been designated as qualified tax-

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exempt obligations under Section 265(b) of the Code for investment by banks, thrift institutions and other financial institutions.

The City hereby irrevocably covenants that it will levy taxes annually upon all the taxable property in the City without limitation as to rate or amount and in amounts sufficient, with other monies legally available therefor, to pay the principal of and interest on the bonds of this issue as the same shall become due. The full faith, credit and resources of the City are hereby irrevocably pledged for the annual levy and collection of such taxes and the prompt payment of such principal and interest. The pledge of tax levies may be discharged prior to maturity of the bonds by making provision for the payment thereof on the terms and conditions set forth in the Bond Ordinance.

The following abbreviations, when used in the inscription on the face of the within bond, shall be construed as though they were written out in full according to applicable laws or regulations.

UNIF GIFTS (TRANSFERS)

MIN ACT - _____(Cust)

(Minor)

under Uniform Gifts (Transfers) to Minors Act

Custodian

(State)

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Additional abbreviations may also be used though not in the list above.

The Bond Registrar's Certificate of Authentication on the Bonds shall be in substantially the following form:

CERTIFICATE OF AUTHENTICATION

Date of Authentication:

This bond is one of the bonds described in the within-mentioned Bond Ordinance and is one of the Unlimited Tax General Obligation Bonds, 1994, of the City, dated March 1, 1994.

> WASHINGTON STATE FISCAL AGENCY as Bond Registrar

Ву _____

Authorized Signer

(form of assignment)

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto _________ PLEASE INSERT SOCIAL SECURITY OR TAXPAYER IDENTIFICATION NUMBER OF TRANSFEREE

(Please print or typewrite name and address, including zip code of Transferee)

the within bond and does hereby irrevocably constitute and appoint of _______, or its successor, as Bond Registrar to transfer said bond on the books kept for registration thereof with full power of substitution in the premises.

DATED: _____, ____.

NOTE: The signature on this Assignment must correspond with the name of the registered owner as it appears upon the face of the within bond in every particular, without alteration or enlargement or any change whatever.

SIGNATURE GUARANTEED:

<u>Section 6.</u> Execution of Bonds. The Bonds shall be executed on behalf of the City with the manual or facsimile signature of the Mayor, shall be attested by the manual or facsimile signature of the City Clerk or Director of Administration and Finance, and the seal of the City shall be impressed or a facsimile thereof imprinted thereon.

Only such Bonds as shall bear thereon a Certificate of Authentication in the form hereinbefore recited, manually executed by the Bond Registrar, shall be valid or obligatory for any purpose or entitled to the benefits of this ordinance. Such Certificate of Authentication shall be conclusive evidence that the Bonds so authenticated have been duly executed, authenticated and delivered hereunder and are entitled to the benefits of this ordinance.

In case either of the officers who shall have executed the Bonds shall cease to be officer or officers of the City before the Bonds so signed shall have been authenticated or delivered by the Bond Registrar, or issued by the City, such Bonds may nevertheless be authenticated, delivered and issued and upon such authentication, delivery and issuance, shall be as binding upon the City as though those who signed the same had continued to be such officers of the City. Any Bond may also be signed and attested on behalf of the City by such persons who are at the actual date of delivery of such Bond the proper officers of the City although at the original date of such Bond any such person shall not have been such officer of the City.

Section 7. Bond Registrar. The City hereby adopts the system of registration specified and approved by the Washington State Finance Committee. The Bond Registrar shall keep, or cause to be kept, at its principal corporate trust office, sufficient books for the registration and transfer of the Bonds which shall at all times be open to inspection by the City. The Bond Registrar is authorized, on behalf of the City, to authenticate and deliver the Bonds transferred or exchanged in accordance with the provisions of such Bonds and this ordinance and to carry out all of the Bond Registrar's powers and duties under this ordinance.

The Bond Registrar shall be responsible for its representations contained in the Certificate of Authentication on the Bonds. The Bond Registrar may become the owner of Bonds with the same rights it would have if it were not the Bond Registrar, and to the extent permitted by law, may act as depositary for and permit any of its officers or directors to act as a member of, or in any other capacity with respect to, any committee formed to protect the rights of Bond owners.

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<u>Section 8.</u> <u>Pledge</u>. The Director of Administration and Finance is hereby authorized and directed to create a fund to be used for the payment of debt service on the Bonds, to be designated as the "1994 UTGO Public Safety Bond Fund" (the "Bond Fund"). The City hereby irrevocably covenants that, unless the principal of and interest on the Bonds are paid from other sources, it will make annual levies of taxes without limitation as to rate or amount upon all of the property in the City subject to taxation in amounts sufficient to pay such principal and interest as the same shall become due. The full faith, credit and resources of the City are hereby irrevocably pledged for the annual levy and collection of such taxes and for the prompt payment of such principal and interest.

<u>Section 9.</u> <u>Application of Bond Proceeds</u>. The Director of Administration and Finance is hereby authorized and directed to create a fund to be designated as the 1994 UTGO Public Safety Construction Fund (the "Construction Fund"). From the moneys derived from the sale of the Bonds:

(a) the accrued interest to the date of delivery shall be deposited in the Bond Fund and shall be used to pay the interest on the Bonds coming due on December 1, 1994; and

(b) the balance of said proceeds shall be deposited in the Construction Fund and shall be expended solely to pay the cost of issuing and selling the Bonds and acquiring, constructing, equipping and making those certain capital improvements to the facilities of the City authorized by Ordinance No. 3326 of the City, passed on July 21, 1992. Specifically, this Council intends that the proceeds of the Bonds shall be used to pay a portion of the costs of the acquisition, installation and implementation of a new fire, police and local government emergency communication system including equipment and facilities, to be internally compatible as well as compatible with the emergency communication systems of surrounding communities and governmental entities.

None of the proceeds of the Bonds shall be used for the replacement of equipment or for any other than a capital purpose.

Proceeds of the Bonds may be invested by the Director of Administration and Finance in any legal investment for funds of cities in the State of Washington.

Section 10. Defeasance. In the event that money and/or Government Obligations maturing at such time or times and bearing interest to be earned thereon in amounts (together with such money, if necessary) sufficient to redeem and retire part or all of the Bonds authorized hereunder in accordance with their terms, are set aside in a special account of the City to effect such redemption and retirement, and such moneys and the principal of and interest on such obligations are irrevocably set aside and pledged for such purpose, then no further payments need be made into the bond redemption fund of the City for the

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payment of the principal of and interest on the Bonds so provided for, and such Bonds shall cease to be entitled to any lien, benefit or security of this ordinance except the right to receive the moneys so set aside and pledged, and such Bonds shall be deemed not to be outstanding hereunder.

Section 11. Covenants Regarding Arbitrage and Private Activity Bonds Designation.

(a) <u>Bonds Not Arbitrage Bonds</u>. The City hereby covenants that it will not make any use of the proceeds of sale of the Bonds or any other funds of the City which may be deemed to be proceeds of such Bonds pursuant to Section 148 of the Code which will cause the Bonds to be "arbitrage bonds" within the meaning of said section and said Regulations.

(b) Arbitrage Rebate.

(i) <u>General Rule</u>. The City will pay to the United States of America in accordance with the provisions of this section (A) rebate installment payments which, when added to the future value as of the Computation Date of all previous rebate payments made with respect to the Bonds, equal at least 90% of the Rebate Amount with respect to the Bonds, and (B) a final rebate installment payment in an amount which, when added to the future value of all previous rebate payments made with respect to the Bonds, equals 100% of the Rebate Amount.

(ii) <u>Computation of Rebate Amount</u>. As of any Computation Date, the Rebate Amount for the Bonds is the excess of the future value, as of such date, of all Receipts over the future value, as of such date, of all Payments.

(iii) <u>Payment Procedure</u>.

(A) The first rebate installment payment will be made for a Computation Date that is no later than five years after the issue date of the Bonds. Subsequent rebate installment payments will be made for a Computation Date that is not later than five years after the previous Computation Date for which rebate installment payment was made. Each rebate installment payment will be paid no later than 60 days after the Computation Date to which the payment relates.

(B) A final rebate payment will be paid within 60 days of the date the Bonds are Discharged or such other period as is permitted by Internal Revenue Service regulations.

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(C) Each payment of Rebatable Arbitrage will be made to the Internal Revenue Service Center, Philadelphia, Pennsylvania 19225 and will be accompanied by IRS Form 8038-T.

(c) <u>Private Activity</u>. The City further covenants that it will not take any action or permit any action to be taken that would cause the Bonds to constitute "private activity bonds" under Section 141 of the Code.

(d) <u>Bank Eligibility</u>. The Bonds are hereby designated as "qualified tax-exempt obligations" for purchase by financial institutions pursuant to Section 265(b) of the Code. The City does not anticipate that it will issue more than \$10,000,000 in "qualified tax-exempt obligations" during the year 1994.

<u>Section 12.</u> Sale of Bonds. The Bonds shall be sold by negotiated sale to Piper Jaffray Inc., of Seattle, Washington (the "Underwriter"), under the terms and conditions thereof as provided in its purchase offer and in this ordinance.

The Director of Administration and Finance is hereby authorized to review and approve on behalf of the City the preliminary and final Official Statements relative to the Bonds with such additions and changes as may be deemed necessary or advisable. The Preliminary Official Statement dated February 16, 1994 is hereby deemed final for purposes of Rule 15c2-12 of the Securities and Exchange Commission. The proper City officials are hereby authorized and directed to do everything necessary for the prompt execution and delivery of the Bonds to the Underwriter, including the execution and delivery of closing certificates and for the proper application and use of the proceeds of sale thereof.

<u>Section 13.</u> <u>Secondary Market Disclosure</u>. The City appreciates the support of the investment community for its financing efforts relating to its financial obligations. The City, therefore, agrees that it will provide annual audited financial statements and other pertinent credit information relevant to the securities of the City (which may be contained in official statements), including the City's Comprehensive Annual Financial Report, upon request, and will provide copies to one or more information providers in the state and local government securities market. Periodic credit information also will be provided to rating agencies as necessary for maintaining outstanding ratings on the Bonds. The Official Statement of the City with respect to the Bonds will reflect this commitment.

Section 14. Severability. If any one or more of the covenants or agreements provided in this ordinance to be performed on the part of the City shall be declared by any court of competent jurisdiction to be contrary to law, then such covenant or covenants, agreement or agreements, shall be null and void and shall be deemed separable from the remaining covenants and agreements of this ordinance and shall in no way t

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affect the validity of the other provisions of this ordinance or of the Bonds.

<u>Section 15.</u> <u>Effective Date</u>. This ordinance shall become effective five days from and after its passage by the Kirkland City Council and publication, as required by law.

PASSED by majority vote of the Kirkland City Council in regular, open meeting this 1st day of March, 1994.

SIGNED in authentication thereof this 1st day of March, 1994.

Mayor

Attest:

City Clerk

Approved as to Form:

City Attorney

SUMMARY OF ORDINANCE NO. 3407

AN ORDINANCE OF THE CITY COUNCIL OF CITY OF KIRKLAND, WASHINGTON, PROVIDING FOR THE ISSUANCE AND SALE OF UNLIMITED TAX GENERAL OBLIGATION BONDS OF THE CITY IN THE AGGREGATE PRINCIPAL AMOUNT OF \$500,000, FOR THE PURPOSE OF FINANCING CERTAIN CAPITAL IMPROVEMENTS PURSUANT TO AN ELECTION AUTHORIZING THE SAME; PROVIDING THE DATE, FORM, TERMS AND MATURITIES OF THE BONDS TO BE ISSUED AND FOR UNLIMITED TAX LEVIES TO PAY THE PRINCIPAL THEREOF AND INTEREST THEREON: AUTHORIZING PRELIMINARY Α OFFICIAL STATEMENT; AND APPROVING SALE OF SUCH BONDS.

<u>Section 1</u>. <u>Definitions</u>. Section 1 sets forth definitions of certain capitalized terms used in the Ordinance.

Section 2. Authorization of Bonds. For the purpose of paying a portion of the costs of the public safety projects specified in Ordinance No. 3326, consisting of the acquisition, installation and implementation of a new fire, police and local government emergency communication system including equipment and facilities, and paying costs of issuance, the City shall issue a second series of its unlimited tax general obligation bonds in the aggregate principal amount of \$500,000 (the "Bonds").

Maturity Years (December 1)	Principal Amount	Interest Rate
1995	\$40,000	3.20%
1996	40,000	3.50
1997	45,000	3.75
1998	45,000	3.95
1999	50,000	4.15
2000	50,000	4.35
2001	55,000	4.45
2002	55,000	4.55
2003	60,000	4.65
2004	60,000	4.75

The Bonds bear interest and mature at the following rates and amounts:

<u>Section 3</u>. <u>Registration and Exchange</u>. Section 3 sets forth the system of registration for the Bonds required under federal tax laws.

Section 4. Optional Redemption and Purchase of Bonds. The Bonds are not subject to redemption prior to their scheduled date of

redemption. However, the City reserves the right to purchase any of the Bonds at any time at a price deemed reasonable by the City.

<u>Section 5.</u> Form of Bonds. Section 5 sets forth the form of Bonds to be printed and delivered to purchasers.

<u>Section 6</u>. <u>Execution of Bonds</u>. The Bonds shall be executed on behalf of the City with the manual or facsimile signature of the Mayor, shall be attested by the manual or facsimile signature of the City Clerk or the Director of Administration and Finance, and the seal of the City shall be impressed or a facsimile thereof imprinted thereon.

<u>Section 7</u>. <u>Bond Registrar</u>. The City adopts the system of registration specified and approved by the Washington State Finance Committee.

<u>Section 8.</u> <u>Pledge</u>. Section 8 authorizes a special fund to be created for the payment of debt Service on the Bonds. The City covenants that, unless the principal of and interest on the Bonds are paid from other sources, it will make annual levies of taxes without limitation as to rate or amount upon all of the property in the City subject to taxation in amounts sufficient to pay such principal and interest as the same shall become due.

<u>Section 9</u>. <u>Application of Bond Proceeds</u>. Section 9 authorizes the creation of a special fund to hold the proceeds of the Bonds to be disbursed to pay and reimburse for the payment of the costs of certain capital improvements.

<u>Section 10</u>. <u>Defeasance</u>. Section 10 authorizes the defeasance of the Bonds prior to their scheduled maturity.

Section 11. Covenants Regarding Arbitrage and Private Activity Bonds Designation. In Section 11, the City makes certain covenants necessary to maintain the tax-exempt status of interest on the Bonds.

<u>Section 12</u>. <u>Sale of Bonds</u>. The Bonds will be sold to Piper Jaffray Inc., of Seattle, Washington.

Section 13. Secondary Market Disclosure. In Section 13, the City agrees to provide financial information about itself to investors in the Bonds.

<u>Section 14</u>. <u>Severability</u>. Section 14 authorizes the severability of the various sections of the Ordinance.

Section 15. Effective Date. This Ordinance shall become effective five days from and after its passage by the Kirkland City Council and publication, as required by law.

PASSED by majority vote of the Kirkland City Council in regular, open meeting this 1st day of March, 1994.

SIGNED in authentication thereof this /st day of March, 1994.

Attest:

City Clerk

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