

**THIS IS A DRAFT AND WILL BE REPLACED BY THE FINAL,  
SIGNED ORDINANCE ADOPTED BY THE CITY COUNCIL.**

**AN ORDINANCE**

**AUTHORIZING AND APPROVING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CITY OF SAN ANTONIO, TEXAS COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION IN ONE OR MORE SERIES IN A MAXIMUM AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$52,000,000; AND PROVIDING FOR AN EFFECTIVE DATE.**

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**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 certificates of obligation (the *Certificates*), in one or more series (including, in part, as commercial paper or other form of interim or variable rate financing) and 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 \$52,000,000 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, and if necessary or desirable to enter into one or more credit agreements (each, a *Credit Agreement*) in connection therewith pursuant to and in accordance with certain provisions of Chapter 1371, as amended, Texas Government Code (*Chapter 1371*), 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: (i) acquiring an existing building to be used to consolidate City administration into a single facility, and (ii) the payment of professional services (including closing costs) related to the acquisition and financing of the aforementioned project (collectively, the *Project*); and

**WHEREAS**, prior to the issuance of the Certificates and entering into a related Credit Agreement, the Governing Body is required to publish notice of its intention to issue the Certificates and enter into a Credit Agreement in a newspaper of general circulation in the City, such notice stating: (1) the time and place the Governing Body tentatively proposes to pass the ordinance or ordinances authorizing the issuance of the Certificates and entry into a Credit Agreement, (2) the maximum aggregate amount and term of Certificates proposed to be issued or Credit Agreement to be entered into, (3) the purposes for which the Certificates are to be issued, and (4) the manner in which the Governing Body proposes to pay the Certificates and the costs under a Credit Agreement; and

**WHEREAS**, the Governing Body will delegate to authorized City representatives the authority to issue and to finalize the terms of any series of Certificates (or program under which Certificates are from time to time issued) and approve specific terms of, to execute and deliver, or terminate and amend in accordance with its terms, any Credit Agreement; and

**WHEREAS**, the Governing Body hereby finds and determines that such delegation of authority pertaining to the sale of the Certificates and to approve the terms of the Credit Agreement should be effectuated, and the City should proceed with the giving of notice of intention to issue the Certificates and notice of authorization to execute the Credit Agreement 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:**

**SECTION 1.** The City Clerk is hereby authorized and directed to cause to be published notice of the Governing Body's intention to issue the Certificates in one or more series (including, in part, as commercial paper or other form of interim or variable rate financing), the interest on which may or may not be taxable under applicable federal law, and the delegation of the authority to execute the Credit Agreement, in an aggregate amount not to exceed \$52,000,000 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: (i) acquiring an existing building to be used to consolidate City administration into a single facility, and (ii) the payment of professional services (including closing costs) related to the acquisition and financing of the aforementioned Project. 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 Credit Agreement 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. 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 consecutive weeks, the date of the first publication shall be at least thirty (30) days prior to the date stated therein for passage of the ordinance or ordinances delegating the authority to authorize the issuance of the Certificates and execute the Credit Agreement.

**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 the adoption of an ordinance authorizing the issuance of the Certificates and the authorization to execute any Credit Agreement.

**SECTION 4.** The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Governing Body.

**SECTION 5.** 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 6.** This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

**SECTION 7.** 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 Governing Body hereby declares that this Ordinance would have been enacted without such invalid provision.

**SECTION 8.** 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 Ordinance, was given, all as required by Chapter 551, Texas Government Code, as amended.

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

PASSED AND APPROVED, this the \_\_\_\_ day of \_\_\_\_\_, 2016.

CITY OF SAN ANTONIO

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Ivy Taylor, Mayor

ATTEST:

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Leticia Vacek, City Clerk

(CITY SEAL)

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.

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City Attorney

## Exhibit A

### NOTICE OF INTENTION TO ISSUE CITY OF SAN ANTONIO, TEXAS CERTIFICATES OF OBLIGATION

NOTICE IS HEREBY GIVEN that the City Council of the City of San Antonio, Texas (the *City*) 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 December 8, 2016 , and during such meeting, the City Council will consider the passage of an ordinance or ordinances and delegate the authority to authorized City representatives take such other actions as may be deemed necessary to authorize the issuance of one or more series of certificates of obligation (including, in part, as commercial paper or other form of interim or variable rate financing), the interest on which may or may not be taxable under applicable federal law, and to delegate the authority to execute a credit agreement pertaining to the financing, in an aggregate principal amount not to exceed \$52,000,000 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: (i) acquiring an existing building to be used to consolidate City administration into a single facility, and (ii) the payment of professional services (including closing costs) related to the acquisition and financing of the aforementioned project. Each series of certificates of obligation (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 additional from a pledge of and lien on certain revenues derived from the operation of the City's municipally owned parks. The delegation of authority to issue the Certificates, 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, certain provisions of Chapter 1371, as amended, Texas Government Code, Chapter 1502, as amended, Texas Government Code, and the City's Home Rule Charter. The credit agreement (the *Credit Agreement*) 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. The delegation of authority to authorize and execute the Credit Agreement, and this notice is given, under and pursuant to the provisions of Section 271.049, as amended, Texas Local Government Code, Chapter 1371, as amended, Texas Government Code, and the City's Home Rule Charter.

/s/ Leticia Vacek  
City Clerk  
City of San Antonio, Texas