

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 \$105,000,000; AND PROVIDING FOR 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 \$105,000,000 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) acquiring, purchasing, improving, constructing, renovating, enlarging, extending, equipping, and/or repairing City public safety facilities and equipment (including radio communication equipment), (2) 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, (3) acquiring and installing upgrades in technology systems, including software and hardware, and communications systems and related equipment necessary to support City operations and services and purchasing, improving, constructing, renovating, enlarging, extending, equipping, and/or repairing City administrative, service, community, parks and recreation, convention center, Alamodome, and other facilities and infrastructure, (4) purchasing real property, materials, supplies, equipment, information technology, machinery, landscaping, land, and rights of way for authorized needs and purposes relating to the aforementioned capital improvements, and (5) 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, publish 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 THAT:

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 (the interest on which may or may not be taxable under applicable federal law) and in an aggregate amount not to exceed \$105,000,000 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) acquiring, purchasing, improving, constructing, renovating, enlarging, extending, equipping, and/or repairing City public safety facilities and equipment (including radio communication equipment), (2) 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, (3) acquiring and installing upgrades in technology systems, including software and hardware, and communications systems and related equipment necessary to support City operations and services and purchasing, improving, constructing, renovating, enlarging, extending, equipping, and/or repairing City administrative, service, community, parks and recreation, convention center, Alamodome, and other facilities and infrastructure, (4) purchasing real property, materials, supplies, equipment, information technology, machinery, landscaping, land, and rights of way for authorized needs and purposes relating to the aforementioned capital improvements, and (5) 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.

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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: 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, as amended, Texas Government Code.

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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 30th day of April, 2020.

CITY OF SAN ANTONIO

Ron Nirenberg, Mayor

ATTEST:

Tina J. Flores, 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.

Andrew Segovia, City Attorney
City of San Antonio, Texas

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 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 18, 2020, and during such meeting, the City Council will consider the passage of an ordinance or ordinances and take such other 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 taxable under applicable federal law) in an aggregate principal amount not to exceed \$105,000,000 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) acquiring, purchasing, improving, constructing, renovating, enlarging, extending, equipping, and/or repairing City public safety facilities and equipment (including radio communication equipment), (2) 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, (3) acquiring and installing upgrades in technology systems, including software and hardware, and communications systems and related equipment necessary to support City operations and services and purchasing, improving, constructing, renovating, enlarging, extending, equipping, and/or repairing City administrative, service, community, parks and recreation, convention center, Alamodome, and other facilities and infrastructure, (4) purchasing real property, materials, supplies, equipment, information technology, machinery, landscaping, land, and rights of way for authorized needs and purposes relating to the aforementioned capital improvements, and (5) the payment of professional services related to the construction, project management, and financing of the aforementioned projects. 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 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 August 1, 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, Chapter 1502, as amended, Texas Government Code, and the City's Home Rule Charter.

/s/ Tina J. Flores
City Clerk
City of San Antonio, Texas