

CITY AND BOROUGH OF SITKA, ALASKA

RESOLUTION NO. 2020-15

A RESOLUTION of the Assembly of the City and Borough of Sitka, Alaska, approving Sitka’s participation in a proposed refinancing by the Alaska Municipal Bond Bank of its bonds that provided funds to purchase Sitka’s Harbor Facilities Revenue Bond, 2013, issued by Sitka to the Bond Bank under a loan agreement between Sitka and the Bond Bank; authorizing the Municipal Administrator and Chief Finance and Administrative Officer to enter into an amendatory loan agreement with the Bond Bank setting forth a revised debt service schedule for the loan evidenced by Sitka’s 2013 bond, in accordance with the 2013 loan agreement, if the Bond Bank successfully refinances its 2013 Bonds; authorizing the issuance of an amended harbor revenue bond to the Bond Bank to evidence the refinanced loan; and establishing an effective date.

WHEREAS, the City and Borough of Sitka, Alaska (“Sitka”), issued and sold its Harbor Facilities Revenue Bond, 2013 (the “2013 Bond”), to the Alaska Municipal Bond Bank (the “Bond Bank”), as authorized by Ordinance No. 2013-01 (the “2013 Bond Ordinance”), on the terms and conditions set forth in the 2013 Bond Ordinance and in a loan agreement between Sitka and the Bond Bank dated as of March 1, 2013 (the “2013 Loan Agreement”); and

WHEREAS, the Bond Bank issued and sold its General Obligation Bonds, 2013 Series One (the “2013 Bond Bank Bonds”), to provide funds to purchase the 2013 Bond, as provided in the 2013 Loan Agreement; and

WHEREAS, the 2013 Loan Agreement provides that payments of principal of and interest on the 2013 Bond may be adjusted to reduce debt service if the Bond Bank is able to achieve debt service savings by refunding the 2013 Bond Bank Bonds; and

WHEREAS, the Bond Bank now intends to issue a series of its general obligation bonds (the “2020 Bond Bank Bonds”) for the purpose, among others, of potentially refunding all or a portion of the 2013 Bond Bank Bonds to achieve debt service savings; and

WHEREAS, the Assembly wishes to approve Sitka’s participation in this potential refinancing and to authorize the Municipal Administrator and Chief Finance and Administrative Officer to approve a revised debt service schedule for the 2013 Bond if the Bond Bank successfully refinances the 2013 Bond Bank Bonds;

NOW, THEREFORE, BE IT RESOLVED by the Assembly of the City and Borough of Sitka, as follows:

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48 Section 1. Approval of Refinancing. The Assembly hereby approves Sitka’s
49 participation in the Bond Bank’s refinancing of the 2013 Bond Bank Bonds and authorizes the
50 Municipal Administrator and Chief Finance and Administrative Officer to approve revised
51 principal payment amounts and interest rates for the 2013 Bond (in accordance with Section 6 of
52 the 2013 Loan Agreement), so long as the revised debt service schedule is financially advantageous
53 to Sitka. The revised schedule of debt service on the 2013 Bond and other provisions as may be
54 required by the Bond Bank will be set forth (i) in an amendatory loan agreement (the “Amendatory
55 Loan Agreement”) and (ii) if requested by the Bond Bank, in an amended harbor facilities revenue
56 bond (the “2020 Bond”) to be issued by Sitka to the Bond Bank in exchange for the 2013 Bond.
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58 The Municipal Administrator or Chief Finance and Administrative Officer is authorized to
59 execute and deliver the Amendatory Loan Agreement on behalf of Sitka and to deliver the 2020
60 Bond, executed in accordance with the provisions of the 2013 Bond Ordinance and this resolution,
61 to the Bond Bank in exchange for the 2013 Bond. The Municipal Administrator, Chief Finance
62 and Administrative Officer, Municipal Attorney, and other appropriate officers and employees of
63 Sitka are also hereby authorized to provide information about Sitka and its financial and legal
64 affairs that the Bond Bank may request, including but not limited to information for the official
65 statement for the 2020 Bond Bank Bonds.
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67 Section 2. Tax Covenant. If the 2020 Bond Bank Bonds allocable to refinancing the
68 2013 Bond are issued as tax-exempt bonds, Sitka covenants to undertake all actions required to
69 maintain the tax-exempt status of interest on the 2020 Bond under Section 103 of the Internal
70 Revenue Code of 1986, as amended.

71 Section 3. General Authorization. The Mayor, Municipal Administrator, Chief
72 Finance and Administrative Officer, Municipal Clerk, Municipal Attorney, and any other
73 appropriate officers, agents, attorneys and employees of Sitka are each hereby authorized and
74 directed to cooperate with the Bond Bank and to take such steps, do such other acts and things,
75 and execute such letters, certificates, agreements, assignments, or instruments as in their judgment
76 may be necessary, appropriate or desirable to carry out the terms and provisions of, and complete
77 the transactions contemplated by, this resolution.
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79 Section 4. Prior Acts. Any and all acts heretofore taken by officers, agents, attorneys
80 and employees of Sitka in connection with refinancing the 2013 Bond are hereby ratified and
81 confirmed.

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Section 5. Effective Date. This resolution will take effect immediately upon its adoption.

ADOPTED this 12th day of May, 2020.

By _____
Gary L. Paxton, Mayor

ATTEST:

Sara Peterson, MMC
Municipal Clerk

CLERK'S CERTIFICATE

I, the undersigned, Municipal Clerk of the City and Borough of Sitka ("Sitka"), and keeper of the records of the Assembly, DO HEREBY CERTIFY:

1. That the attached resolution (the "Resolution") is a true and correct copy of Resolution No. 2020-____ of the Assembly, as adopted at a meeting of the Assembly held on _____, 2020, and duly recorded in my office.

2. That said meeting was duly convened and held in all respects in accordance with law, and to the extent required by law, due and proper notice of such meeting was given; that a quorum was present throughout the meeting and a legally sufficient number of members of the Assembly voted in the proper manner for the adoption of the Resolution; that all other requirements and proceedings incident to the proper adoption of the Resolution have been fully fulfilled, carried out and otherwise observed, and that I am authorized to execute this certificate.

IN WITNESS WHEREOF, I have hereunto set my hand this _____, 2020.

Municipal Clerk
City and Borough of Sitka