

CITY AND BOROUGH OF SITKA, ALASKA

RESOLUTION NO. 2010-20

A RESOLUTION OF THE ASSEMBLY OF THE CITY AND BOROUGH OF SITKA PROVIDING FOR SUBMISSION OF AN ADVISORY QUESTION TO THE SITKA VOTERS AT THE REGULAR ELECTION ON OCTOBER 5, 2010, AS TO WHETHER THE CITY AND BOROUGH OF SITKA SHOULD ISSUE APPROXIMATELY \$50,000,000 IN ELECTRIC REVENUE BONDS TO PAY A PORTION OF THE COST OF EXPANDING THE BLUE LAKE HYDROELECTRIC PROJECT AND TO RETIRE CERTAIN OUTSTANDING MUNICIPAL UTILITY REVENUE BONDS

WHEREAS, the City and Borough of Sitka, Alaska (“Sitka”) owns, operates and maintains electric generation and transmission facilities (the “Electric System”), revenues of which are currently combined with revenues of the Sitka’s water utility (the “Water System”) for borrowing purposes; and

WHEREAS, Sitka wishes to separate the Electric System from the Water System for borrowing purposes once all outstanding revenue obligations of the combined utilities are retired; and

WHEREAS, Sitka wishes to undertake an expansion of the Blue Lake hydroelectric project (as further described herein, the “Project”), which is a component of the Electric System; and

WHEREAS, Sitka has received grants from the State of Alaska to pay a portion of the cost of the Project and anticipates receiving additional State or federal grants for the Project; and

WHEREAS, Sitka issued its municipal utilities revenue bonds in 1992 and 1997 to finance or refinance the cost of facilities of the Electric System, and Sitka has been advised that it could achieve substantial savings by refunding callable portions of the outstanding 1992 and 1997 municipal utilities revenue bonds and defeasing the noncallable portions of the 1992 municipal utilities revenue bonds; and

WHEREAS, the Assembly deems it necessary and advisable for Sitka to issue approximately \$20,000,000 in electric revenue bonds to pay a portion of the cost of the Project and approximately \$30,000,000 in electric revenue bonds to refund and defease Sitka’s outstanding 1992 and 1997 municipal utilities revenue bonds; and

WHEREAS, to gauge the wishes of Sitka’s voters, the Assembly wishes to submit to the qualified voters of Sitka for their approval or disapproval the question of whether approximately \$50,000,000 in electric revenue bonds (the “Bonds”) should be issued for these purposes;

46 NOW THEREFORE, be it resolved by the Assembly of the City and Borough of Sitka,
47 Alaska, as follows:

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49 Section 1. Proposed Refunding; Capital Improvements. The Assembly finds that it is
50 in the best interests of Sitka and ratepayers of the Electric System to issue approximately
51 \$50,000,000 in electric revenue bonds to retire (by defeasance and refunding) all of Sitka's
52 outstanding Municipal Utilities Revenue Bonds, 1992 Refunding Series, and Municipal Utilities
53 Revenue Bonds, 1997 Refunding Series (the "Refunded Bonds").

54
55 The Assembly further finds that the public welfare and convenience require that Sitka
56 make the following capital improvements to facilities of the Electric System: expansion of the
57 Blue Lake hydroelectric project by adding a third turbine in the Blue Lake powerhouse, raising
58 the height of the Blue Lake dam, and making such other additions and improvements to the Blue
59 Lake project as are described in Sitka's licensing application to the Federal Energy Regulatory
60 Commission (collectively, the "Project").

61
62 The cost of all necessary planning, legal, architectural, engineering, design and other
63 consulting services, inspection and testing, administrative and relocation expenses, on- and off-
64 site utilities, purchases of equipment, and other costs incurred in connection with the Project
65 shall be deemed a part of the cost of the Project. Sitka will determine the extent and
66 specifications for the Project.

67
68 Sitka will determine the application of available funds as among the various components
69 of the Project to accomplish, as nearly as may be, the entire Project. If proceeds of sale of the
70 Bonds, plus any other money of Sitka legally available for such purpose, are insufficient to
71 accomplish all of the Project, Sitka will use the available funds for paying the cost of those
72 components of the Project deemed by the Assembly most necessary and in the best interest of
73 Sitka.

74
75 If Sitka determines that it has become impractical to accomplish one or more components
76 of the Project because of changed conditions, incompatible development or costs substantially in
77 excess of those estimated, Sitka shall not be required to accomplish such component or
78 components and may apply the Bond proceeds to other components of the Project.

79
80 If the entire Project has been constructed or duly provided for, or found to be impractical,
81 and Bond proceeds remain available, the Assembly may apply Bond proceeds to other capital
82 repairs or improvements to the Electric System or to retiring the Bonds.

83
84 Section 2. Authorization of Bonds. To provide all or a portion of the funds necessary
85 to retire by defeasance and refunding the Refunded Bonds, pay costs of the Project, and pay costs
86 of issuing the Bonds, Sitka will issue and sell the Bonds in the principal amount of
87 approximately \$50,000,000. Both principal of and interest on the Bonds shall be payable solely
88 out of revenues of the Electric System deposited in the Electric Fund in accordance with
89 Section 11.15 of the Home Rule Charter of the City and Borough of Sitka (the "Charter").

90

91 The Bonds will be issued and sold in such amounts and at such time or times as found
92 necessary and advisable by the Assembly and as permitted by law. The Bonds may be issued in
93 one or more series and will bear interest at a rate or rates as authorized by the Assembly. The
94 Bonds shall mature in such amounts and at such times within a maximum term of 20 years from
95 date of issue, all as authorized by the Assembly and as provided by law.

96
97 The date, form, terms, options of redemption, maturities, covenants and manner of sale of
98 the Bonds shall be as hereafter provided by Sitka ordinance or ordinances. Sitka may issue
99 short-term obligations as authorized by the laws of the State of Alaska and the Charter.

100
101 Section 3. Bond Election. Voter approval for the Bonds is not required by Alaska
102 law or the Charter. To gauge the wishes of Sitka’s voters, however, the Assembly wishes to
103 submit to the voters of Sitka an advisory question at the regular election to be held in Sitka on
104 October 5, 2010, as to whether the Bonds should be issued for the purposes described in Section
105 1 of this resolution. The ballot proposition shall be in substantially the following form:

106
107 **CITY AND BOROUGH OF SITKA, ALASKA**

108
109 **PROPOSITION No. _____**

110
111 **ADVISORY QUESTION**

112 **ELECTRIC REVENUE BONDS \$50,000,000**
113 **BLUE LAKE HYDROELECTRIC PROJECT AND**
114 **RETIRING ELECTRIC REVENUE BONDS**
115

116 To pay a portion of the cost of expanding the Blue Lake hydroelectric
117 project and all or a portion of the cost of retiring the City and Borough of Sitka’s
118 outstanding municipal utilities revenue bonds, shall the City and Borough of Sitka
119 issue and sell approximately \$50,000,000 of its electric revenue bonds maturing
120 within a maximum term of 20 years and payable solely from revenues of the
121 Electric System, all as described in Resolution No.2010-20 of the Sitka
122 Assembly?

123
124 BONDS, YES

125
126 BONDS, NO

127
128 Section 4. Notice of Election. Notice, publication and posting shall be given by the
129 Municipal Clerk in accordance with the provisions of the Sitka General Code, the Charter and
130 state law.

131
132 Section 5. Severability. In the event that any one or more of the provisions of this
133 resolution shall for any reason be held to be invalid, such invalidity shall not affect or invalidate
134 any other provision of this resolution or the Bonds, but this resolution and the Bonds shall be
135 construed and enforced as if such invalid provision had not been contained herein; provided,

136 however, that any provision that shall for any reason be held by reason of its extent to be invalid
137 shall be deemed to be in effect to the extent permitted by law.

138
139 Section 6. Effective Date. This resolution is effective immediately upon passage and
140 approval.

141
142 PASSED AND APPROVED by the Assembly of the City and Borough of Sitka, Alaska,
143 this August 10, 2010.

144
145 CITY AND BOROUGH OF SITKA, ALASKA

146
147 By _____
148 Scott McAdams, Mayor

149 ATTEST:

150
151 By _____
152 Colleen Ingman, MMC
153 Municipal Clerk

154