Ordinance

Version 3.4 released on 6/29/23 Use for all Ordinances including: TRO, Budget, Zoning, Declarations, Trust Indentures, etc.



CITY COUNCIL USE ONLY Date Received: Committee Date: 1 st Agenda Date:	Tracking #: Committee: Hearing Date: 2 nd Agenda Date:	Scanne	Item #2401,00074
All departme Primary Details	nt items requiring Council approva	I must be submitted through the	Mayor's Office.
Dept. Tracking No.	Board Approval	Other Board Name	City Council Approval
Department Finance	Contact Name Andrew Martinez	Email andrewmartinez@cityoftulsa.or g	Phone 918-576-5542
Subject (Description) General Obligation Bonds - Serie	es 2024B	Ordinance Type General Obligation Bond Issuan	се
Section	Township	Range	Lot
Block	Address		BA / CT Number
Amending Ord. No.	TRO Title No.	TRO Subtitle	Property/Non-Property
	e.g. 43	e.g. G	
Council District	Zoning No.	PUD No.	Planning District
Budget			

E

Funding Source(s)

TOTAL:

Enter the funding source(s) using the appropriate Munis funding format: Org (Allocation Code)-Object-Amount (1001211-531401-\$10.00) or Project String-Amount (144104.AbstrTitle5413102.6001-4043122-541102-\$30,000.01)

Approvals			
	Department:	0	8 HAS
	Legal:	- tori	
	Board:		
	Mayor:	CH-COV-D	
	Other:		

Date:	12/28/23
Date:	1.7.24
Date:	
Date:	IAN 10 2024
Date:	

Policy Statement

Background Information

First reading of the Ordinance providing for the issuance of General Obligation Bonds - Series 2024B - in the amount of \$46,950,000. Prescribing form of bonds; providing for the registration thereof; providing for the system of registration for uncertified registered public obligations; providing levy of an annual tax for payment of principal and interest of the same; fixing other details of the issue; and declaring an emergency.

Bids for the bonds will be submitted on February 7, 2024; all bids will be received by 10:30am Central Daylight Time. The award of bid and 2nd reading of Ordinance providing the same will be considered at the City Council meeting on February 7, 2024.

Provide background information on the requested action.

Summation of the Requested Action

Approve Ordinance authorizing the issuance of bonds in the amount of \$46,950,000.

Summarize the pertinent details of the requested action. Emergency Clause? Reason for Emergency Clause O Yes The emergency clause is r

The emergency clause is necessary to continue the process of issuing bonds in accordance with the issuance schedule.

Explain why you are requesting that the City Council approve this action with an emergency clause.

Processing Information for City Clerk's Office

Post Execution Processing

O No

□ Mail vendor copy (addt'l signature copies attached)

Must be filed with other governmental entity

□ Addt'l governmental entity approval(s) required

Additional Routing and Processing Details PW Committee - 1/24/2024

Council (First Reading) - 1/24/2024 Council (Second Reading) - 2/7/2024 Please request five (5) additional proofs of publication.

THE COUNCIL OF THE CITY OF TULSA, STATE OF OKLAHOMA, MET IN REGULAR SESSION IN CITY COUNCIL MEETING ROOM, 2ND FLOOR, CITY HALL, ONE TECHNOLOGY CENTER, 175 EAST 2ND STREET, IN SAID CITY ON THE 7TH DAY OF FEBRUARY, 2024, AT 5:00 O'CLOCK P.M.

PRESENT:

ABSENT:

Written notice of the schedule of regular meetings of the governing body of the municipality for the calendar year 2024 was given in writing to the City Clerk of Tulsa, Oklahoma on or before December 15, 2023, and public notice of this meeting and agenda of this meeting was posted in prominent public view on the street level viewing area, 175 East 2nd Street, One Technology Center, Tulsa, Oklahoma, twenty-four (24) hours prior to this meeting, excluding Saturdays, Sundays and legal holidays, all in compliance with the Oklahoma Open Meeting Act.

(OTHER PROCEEDINGS)

THEREUPON, an Ordinance was introduced which was read in full by the Council Secretary and considered by sections. Upon motion by Councilor ______, seconded by Councilor ______, the Ordinance was finally passed with the following vote:

AYE:

NAY:

And upon motion of Councilor _____, seconded by Councilor _____, the question of the emergency was ruled upon separately and approved by the following vote.

AYE:

NAY:

THEREUPON, the Ordinance was signed by the Chairman of the Council, forwarded to the Mayor by the City Clerk, signed by the Mayor, attested by the Clerk, sealed with the seal of said municipality and is as follows:

(Published in the Tulsa World,

_____, ____, 2024)

ORDINANCE NUMBER

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS IN THE SUM OF FORTY SIX MILLION NINE HUNDRED FIFTY THOUSAND AND NO/100S DOLLARS (\$46,950,000.00) BY THE CITY OF TULSA, OKLAHOMA AUTHORIZED AT ELECTIONS DULY CALLED AND HELD FOR SUCH PURPOSE; PRESCRIBING FORM OF BONDS; PROVIDING FOR REGISTRATION THEREOF; PROVIDING FOR A SYSTEM OF REGISTRATION FOR UNCERTIFICATED REGISTERED PUBLIC OBLIGATIONS; PROVIDING LEVY OF AN ANNUAL TAX FOR PAYMENT OF PRINCIPAL AND INTEREST ON THE SAME; FIXING OTHER DETAILS OF THE ISSUE; AND DECLARING AN EMERGENCY.

WHEREAS, on the 8th day of August, 2023, pursuant to notice duly given, an election was held in the City of Tulsa, State of Oklahoma, for the purpose of submitting to the registered, qualified electors of said City the question of the issuance of the bonds of said City in the following amounts:

\$170,055,000.00 of General Obligation Bonds by the City of Tulsa, Oklahoma, to provide funds (either with or without state or federal aid) for the purpose of acquiring, constructing, reconstructing, extending, enlarging, improving, and repairing streets and bridges and transportation systems within the City; as authorized by Section 27, Article X of the Constitution and Statutes of the State of Oklahoma, and acts complementary, supplementary and enacted pursuant thereto; and

\$146,725,000.00 of General Obligation Bonds by the City of Tulsa, Oklahoma, to provide funds (either with or without state or federal aid) for the purpose of purchasing, constructing, equipping, improving, extending, renovating, and repairing public parks and park lands, cultural and recreational facilities, all to be owned exclusively by said City; as authorized by Section 27, Article X of the Constitution and Statutes of the State of Oklahoma, and acts complementary, supplementary and enacted pursuant thereto;

\$68,120,000.00 of General Obligation Bonds by the City of Tulsa, Oklahoma, to provide funds (either with or without state or federal aid) for the purpose of constructing, reconstructing improving, repairing and/or purchasing public safety buildings and facilities, all to be owned exclusively by said City; as authorized by Section 27, Article X of the Constitution and Statutes of the State of Oklahoma, and acts complementary, supplementary and enacted pursuant thereto; and

WHEREAS, as shown by the canvass of the returns by the County Election Board of Tulsa County, Oklahoma, at said August 8, 2023 election there were cast by the registered, qualified electors of said City:

On the question of the issuance of said street bonds, 30,057 votes, of which 20,687 were in favor of and 9,370 were cast against the issuance of said bonds, and 0 were mutilated, spoiled or not voted ballots; and

On the question of the issuance of said parks bonds, 30,076 votes, of which 19,756 were in favor of and 10,320 were cast against the issuance of said bonds, and 0 were mutilated, spoiled or not voted ballots; and

On the question of the issuance of said public safety bonds, 30,080 votes, of which 19,762 were in favor of and 10,318 were cast against the issuance of said bonds, 0 were mutilated, spoiled or not voted ballots; and

WHEREAS, a lawful majority of the registered, qualified electors voting on such Propositions cast their ballots in favor of the issuance of all of said bonds and the issuance thereof has been duly authorized; and

WHEREAS, the City of Tulsa, Oklahoma has previously issued general obligation bonds for the above propositions consisting of the following:

Of the \$170,055,000.00 of General Obligation Bonds by the City of Tulsa, Oklahoma authorized at the August 8, 2023 election to provide funds (either with or without state or federal aid) for the purpose of acquiring, constructing, reconstructing, extending, enlarging, improving, and repairing streets and bridges and transportation systems within the City as authorized by Section 27, Article X of the Constitution and Statutes of the State of Oklahoma, and acts complementary, supplementary and enacted pursuant thereto, the City has previously issued bonds in the amount of \$14,900,000.00 in its Series 2024A; and

Of the \$146,725,000.00 of General Obligation Bonds by the City of Tulsa, Oklahoma, to provide funds (either with or without state or federal aid) for the purpose of purchasing, constructing, equipping, improving, extending, renovating, and repairing public parks and park lands, cultural and recreational facilities, all to be owned exclusively by said City; as authorized by Section 27, Article X of the Constitution and Statutes of the State of Oklahoma, and acts complementary, supplementary and enacted pursuant thereto, the City has previously issued bonds in the amount of \$25,700,000.00 in its Series 2024A; and

WHEREAS, The Council of the City of Tulsa, Oklahoma, pursuant to Title 62, Oklahoma Statutes 2021, Section 354, desires to sell at this time \$46,950,000.00 in General Obligation Bonds consisting of a combined issue of \$26,240,000.00 for the purpose of acquiring, constructing, reconstructing, extending, enlarging, improving, and repairing streets and bridges and transportation systems with the City, \$16,325,000.00 for the purpose of purchasing, constructing, equipping, improving, extending, renovating, and repairing public parks and park lands, cultural and recreational facilities, \$4,385,000.00 for the purpose of constructing, reconstructing, improving,

repairing and/or purchasing public safety buildings and facilities, all to be owned exclusively by said City as authorized in the 2023 election.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TULSA, OKLAHOMA:

SECTION 1. That there are hereby ordered and directed to be issued the bonds of said City, in accordance with the form as hereinafter set out, in the aggregate amount Forty Six Million Nine Hundred Fifty Thousand and No/100s Dollars (\$46,950,000.00), which Bonds shall be designated "General Obligation Bonds, Series 2024B" (the "Bonds"), shall be dated March 1, 2024, and shall become due and payable and shall bear interest from their date until paid as follows:

Maturing	Principal	Interest
March 1	Amount	Rate
2026	\$6,705,000.00	.000%
2027	\$6,705,000.00	.000%
2028	\$6,705,000.00	.000%
2029	\$6,705,000.00	.000%
2030	\$6,705,000.00	.000%
2031	\$6,705,000.00	.000%
2032	\$6,720,000.00	.000%
2029 2030 2031	\$6,705,000.00 \$6,705,000.00 \$6,705,000.00 \$6,705,000.00	.000% .000% .000% .000%

Interest shall be payable semi-annually on the first day of March and September of each year, commencing on September 1, 2024. The Bonds are issuable as registered Bonds in denominations of \$1,000.00 or any whole multiple thereof.

SECTION 2. That each of said Bonds and the endorsements and certificates thereon shall be in substantially the following form:

Unless this Bond is presented by an authorized representative of The Depository Trust Company to the Registrar for registration of transfer, exchange or payment and any bond issued is registered in the name of Cede & Co., or such other name as requested by an authorized representative of The Depository Trust Company and any payment is made to Cede & Co., ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL since the registered owner hereof, Cede & Co., has an interest herein.

	UNITED STATES OF AMERICA	
No	STATE OF OKLAHOMA	\$
	CITY OF TULSA	
	General Obligation Bond, Series 2024B	
%	Due March 1,	CUSIP No.

KNOW ALL MEN BY THESE PRESENTS:

That the City of Tulsa, of Tulsa County, Oklahoma, hereby acknowledges itself indebted to and for value received, promises to pay the principal amount set forth above to the person named below:

CEDE & CO., INC.

or registered assigns, (hereinafter called the "Registered Holder"), for the bond number(s) set forth above, together with interest thereon at the rate specified hereon, from the date hereof until paid, payable semi-annually on the 1st day of March, and the 1st day of September, respectively, in each year, beginning September 1, 2024.

The principal of and interest on this Bond are payable in lawful money of the United States of America which, at the time of payment, shall be legal tender for the payment of public and private debts. Payments of interest hereon shall be paid by check of BOKF, National Association, Tulsa, Oklahoma (herein called the "Bank") payable to the order of the Registered Holder and mailed to the address shown in the Registered Holder on or before the date on which each such payment is due. Payment of principal of this Bond shall be payable only upon surrender of this Bond to the Bank.

THE FULL FAITH, CREDIT, AND RESOURCES of said City are hereby irrevocably pledged to the payment of this Bond.

THIS BOND is one of an issue of like date and tenor, except as to date of maturity, rate of interest, and denomination, totaling the principal sum of Forty Six Million Nine Hundred Fifty Thousand and No/100s Dollars (\$46,950,000.00) consisting of bonds authorized at the August 8, 2023 election for the purpose of constructing, reconstructing, improving, repairing and/or purchasing public safety buildings and facilities, all to be owned exclusively by said City; all pursuant to Section 27, Article X of the Constitution and statutes of the State of Oklahoma, and acts complementary, supplementary, and enacted pursuant thereto.

No person shall be entitled to any right or benefit provided in this Bond unless the name of such person is registered by the Bank as the Registrar of the City on the Registration Record. This Bond shall be transferable only upon delivery of this Bond to the Registrar, duly endorsed or accompanied by a written instrument of transfer in form satisfactory to the Bank, duly executed by the Registered Holder hereof or his attorney duly authorized in writing, and such transfer registered on the Registration Record. The Registrar shall not be required to make such transfer after the fifteenth (15) day preceding any interest payment date (the "Record Date") until after said interest payment date. The name of the Registered Holder endorsed hereon shall be deemed the correct name of the owner of this Bond for all purposes whatsoever. The Registrar will keep the Registration Record open for registrar for any reason, notice thereof shall be mailed, by registered or certified United States Mail, postage prepaid, to the Registered Holder at the address shown in the Registration Record, and such notice shall be effective on the date of mailing and sufficient as to all persons.

IT IS HEREBY CERTIFIED AND RECITED that all acts, conditions and things required to be done, precedent to and in the issuance of this Bond have been properly done, happened and been performed in regular and due form and time as required by law, and that the total indebtedness of said City, including this Bond, and the series of which it forms a part, does not exceed any

constitutional or statutory limitation; and that due provision has been made for the collection of an annual tax sufficient to pay the interest on this Bond as it falls due and also to constitute a sinking fund for the payment of the principal hereof at maturity.

IN WITNESS WHEREOF, said City has caused this Bond to be signed by the Mayor, attested by its City Clerk, and sealed with the seal thereof this 1st day of March, 2024.

Mayor of the City of Tulsa, Oklahoma

Attest:

City Clerk, City of Tulsa, Oklahoma (Seal)

AUTHENTICATION CERTIFICATE

This Bond is one of the Bonds of the issue described in the Transcript of Proceedings prepared for this Bond issue, and is one of the General Obligation Bonds, Series 2024B, of the City of Tulsa, Oklahoma.

Date of Registration and Authentication.

BOKF, National Association

By:

Authorized Officer

(ENDORSEMENT NO. 1)

Form of certificate by the District Attorneys and County Clerks to be endorsed on each Bond.

STATE OF OKLAHOMA)	
)	SS
COUNTIES OF OSAGE, ROGERS, TULSA and WAGONER)	

We, the undersigned, District Attorneys and County Clerks, respectively, of said Counties, in said State, in which the within named City is situated, hereby certify that the within Bond is one of a series of Bonds issued by the within named City pursuant to law, and that the entire issue of said Bonds is within the debt limit imposed upon said City by the Constitution and laws of the State of Oklahoma.

WITNESS our respective official hands and the seals of said Counties this 1st day of March, 2024.

District Attorney District Number 14

District Attorney District Number 10

District Number IC

District Attorney District Number 12 Tulsa County Clerk (Seal)

Osage County Clerk (Seal)

Rogers County Clerk (Seal)

District Attorney District Number 27 Wagoner County Clerk

(Seal)

FORM OF ASSIGNMENT

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

TEN COM--TEN ENT--JT TEN-- as tenants in common as tenants by the entireties as joint tenants with the right of survivorship and not as tenants in common

UNIF GIFT MIN ACT-- Custodian for _____ under Uniform (Cust) (Minor) Gifts to Minors Act of Oklahoma

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

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto _____

(Please insert Social Security or Taxpayer identification number of assignee)_

(Please Print or Typewrite Name and Address of Assignee)

Dates:_____ (Signature guaranty)

NOTICE: The signature to this assignment must correspond with the name as it appears upon the face of the within Bond in every particular, without alteration or enlargement or any change whatever.

Legal Opinion

(ENDORSEMENT NO. 2)

Form of certificate by the City Treasurer to be endorsed on each Bond.

STATE OF OKLAHOMA

COUNTY OF TULSA

I, the undersigned, the duly qualified and acting Treasurer of the within named City in said County and State, hereby certify that I have duly registered the within Bond in my office on this _____ day of March, 2024.

) ss.

WITNESS my hand the date above written.

City Treasurer

(ENDORSEMENT NO. 3)

Certificate of approval by the Attorney General to be endorsed on each Bond.

STATE OF OKLAHOMA OFFICE OF THE ATTORNEY GENERAL BOND DEPARTMENT

, 2024.

I HEREBY CERTIFY that I have examined a certified copy of the record of proceedings taken preliminary to and in the issuance of the within Bond; that such proceedings and such Bond show lawful authority for the issue and are in accordance with the forms and method of procedure

prescribed and provided by me for the issuance of Bonds of like kind and that said Bond is a valid and binding obligation, according to its tenor and terms and, under the provisions of Title 62, Oklahoma Statutes 2021, Section 11, 13, and 14, requiring the certificate of the Bond Commissioner of the State of Oklahoma thereon, is incontestable in any court in the State of Oklahoma unless suit thereon shall be brought in a court having jurisdiction of the same within thirty days from the date of this approval of said Bond appearing in the caption hereto.

Attorney General, Ex-Officio Bond Commissioner of the State of Oklahoma

SECTION 3. That each of said Bonds shall be signed by the Mayor and the corporate seal of the City affixed thereto and attested by the City Clerk of the City; that such officers be and hereby are authorized and directed to cause said Bonds to be prepared and to execute the same for and on behalf of the City, have the same registered by the Treasurer, endorsed by the District Attorneys and County Clerks and presented to the Attorney General, Ex-Officio Bond Commissioner, together with a certified transcript of all proceedings had in connection with their issue for his approval and endorsement; that thereafter said Bonds shall be delivered to the purchaser upon payment of the purchase price thereof, which shall not be less than par and accrued interest. The proceeds derived from the sale of said Bonds shall be placed in a special fund and used solely for the purposes set out in the Bond in Section 2 hereof.

SECTION 4. Whenever any registered Bond or Bonds shall be exchanged for another registered Bond or Bonds of different denomination, the Registrar shall cancel the Bond or Bonds surrendered in such exchange on the face thereof and on the Registration Record. If the supply of registered Bonds for making exchanges shall have been exhausted, the Registrar shall cause additional registered Bonds to be prepared, at the expense of the City. The City covenants that upon request of the Registrar, its appropriate officers promptly will execute such additional registered Bonds on behalf of the City.

SECTION 5. The Registrar for all registered Bonds issued pursuant to this Ordinance shall be BOKF, National Association, Tulsa, Oklahoma, which shall maintain a Registration Record for the purpose of registering the name and address of the Registered Holder of each registered Bond. The Registrar will keep the Registration Record open for registrations during its business hours. In the event of a change of Registrar, notice thereof shall be mailed, registered or certified United State Mail, postage prepaid, to the Registered Holder of each registered Bond. The name and address of the Registered Holder as the same appear on the Registration Record shall be conclusive evidence to all persons and for all purposes whatsoever and no person other than the Registered Holder shown on the Registration Record shall be entitled to any right or benefit in relation to the Bond so registered; provided, that the foregoing shall not apply to any successor by operation of law of such Registered Holder. Registered Bonds shall be transferable only upon delivery of such Bonds to the Registrar, duly endorsed or accompanied by a written instrument of transfer in form satisfactory to the Registrar, executed by the Registered Holder thereof or his attorney duly authorized in writing, and such transfer registered on the Registration Record. If the Form of Assignment on such Bonds is exhausted, such Registered Bonds delivered to the Registrar for registration of transfer shall be canceled by the Registrar on the face thereof and the Registrar shall authenticate and deliver to the transferee Bonds in aggregate principal amount equal to the unpaid principal of the surrendered

Bonds in new registered Bonds, in denominations of \$1,000.00 or any multiples thereof. The Registrar shall not be required to make such transfer after the fifteenth (15th) day preceding any interest payment date until after said latter date.

SECTION 6. There is hereby created and established a system of registration for uncertificated registered public obligations with respect to the Bonds as provided in the Registered Public Obligations Act of Oklahoma, Title 62, Oklahoma Statutes 2021, Section 582(13)(b), whereby books shall be maintained on behalf of the City by The Depository Trust Company, New York, New York, for the purpose of registration of transfer of the uncertificated registered public obligations with respect to the Bonds and the rights evidenced thereby and which provide that the transfer of the uncertificated registered public obligations with respect to the Bonds and the rights evidenced thereby shall be registered upon such books, and the Mayor and City Clerk are hereby authorized and directed to execute such documents and instruments as may be required to implement the foregoing system of registration.

SECTION 7. That beginning with the year 2024, a continuing annual tax sufficient to pay the interest on said Bonds when due and for the purpose of providing a sinking fund with which to pay the principal of said Bonds when due shall be and is hereby ordered levied upon all taxable property in said City, in addition to all other taxes, said sinking fund to be designated "GENERAL OBLIGATION BONDS, SERIES 2024B, SINKING FUND." Said Tax shall be and is hereby ordered certified, levied and extended upon the rolls and collected by the same officers, in the same manner and at the same time as the taxes for general purposes in each of said years are certified, levied, extended and collected; that all funds derived from said tax shall be placed in said sinking fund which, together with any interest collected on same, shall be irrevocably pledged to the payment of the interest on and principal of said Bonds when and as the same fall due.

SECTION 8. The City covenants and agrees that it shall at all times perform all acts and things necessary or appropriate under any valid provision of law to ensure that interest paid on the Bonds shall not be included in gross income of the owners thereof for Federal income tax purposes under the Internal Revenue Code of 1986, as amended.

SECTION 9. That by reason of the City of Tulsa being without adequate streets and bridges, parks, cultural and recreational facilities and public safety buildings and facilities, it is deemed and hereby declared necessary for the preservation of the public health, peace and safety that this Ordinance shall become operative immediately; wherefore, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect immediately from and after its passage and approval.

ADOPTED by the Council this 7th day of February, 2024.

ADOPTED as an emergency measure this 7th day of February, 2024.

Chairman of the Council



OFFICE OF THE MAYOR

Received by the Mayor this ____ day of February, 2024, at ____ o'clock ___.m.

G.T. Bynum, Mayor

By:		
Secretary		

APPROVED by the Mayor of the City of Tulsa, Oklahoma, this <u>day of February</u>, 2024.

ATTEST:	Mayor	
City Clerk		
(SEAL)		
APPROVED:		
City Attorney		

I, the undersigned, the duly qualified and acting City Clerk of the City of Tulsa, Oklahoma hereby certify that the foregoing is a true and complete copy of an Ordinance authorizing the issuance of general obligation bonds for the purpose therein set out adopted by the governing body of said City and Transcript of Proceedings of said governing body at a regular meeting thereof held on the date therein set out, insofar as the same relates to the introduction, reading and adoption thereof as the same appears of record in my office.

I further certify that attached hereto as Exhibit "A" is a true and complete copy of the agenda for said meeting which was posted in prominent public view at the street level viewing area, 175 East 2nd Street, One Technology Center, in said City, at least twenty-four (24) hours prior to the meeting wherein such Ordinance was adopted, excluding Saturdays, Sundays and legal holidays. I further certify that attached hereto as Exhibit "B" is a true and complete copy of the regular meeting notice for said meeting which was filed with the City Clerk of the City of Tulsa, Oklahoma in accordance with the Oklahoma Open Meeting Act.

WITNESS my hand and seal this 7th day of February, 2024.

(SEAL)

City Clerk