

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT (AMENDED)**  
**JULY 19, 2016 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
BOND ANTICIPATION NOTES FOR PUBLIC INFRASTRUCTURE PROJECTS WITHIN THE 84 <sup>TH</sup> ST. REDEVELOPMENT	RESOLUTION ◆ ORDINANCE RECEIVE/FILE	KEVIN L. POKORNY DIRECTOR OF ADMINISTRATIVE SERVICES

**SYNOPSIS**

Bond Counsel has prepared an ordinance to authorize the issuance of Bond Anticipation Notes in an amount not to exceed \$11,250,000, to provide interim financing for public infrastructure projects (as defined in the Local Option Revenue Act) within the 84<sup>th</sup> Street Redevelopment Area. The ordinance also directs the Mayor to execute the official statement.

**FISCAL IMPACT**

The City would hold and use proceeds of the bond anticipation notes, which will not exceed \$11.25 million, to pay costs of public infrastructure projects and pay costs of issuing the bond anticipation notes.

**RECOMMENDATION**

Approval.

**BACKGROUND**

Redevelopment of the 84<sup>th</sup> Street corridor has been one of the Mayor and City Council's top strategic priorities since the decline of the area began in 2006. After a year-long community visioning process, the City Council in 2010 adopted Vision 84. Subsequently Council declared the 84<sup>th</sup> Street Redevelopment Area a substandard and blighted area in need of redevelopment, and adopted a Redevelopment Plan for the 84<sup>th</sup> Street Redevelopment Area. In 2014 La Vista voters approved an additional ½ percent local option sales tax to be used for public infrastructure projects within the 84th Street Redevelopment Area. The City anticipates a possible need for funds for public infrastructure projects within the 84<sup>th</sup> Street Redevelopment Area. This Ordinance would authorize the issuance of bond anticipation notes if and when needed for such purposes.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF BOND ANTICIPATION NOTES, SERIES 2016, OF THE CITY OF LA VISTA, NEBRASKA, OF THE PRINCIPAL AMOUNT OF NOT TO EXCEED ELEVEN MILLION TWO HUNDRED FIFTY THOUSAND DOLLARS (\$11,250,000) FOR THE PURPOSE OF PROVIDING INTERIM FINANCING FOR PUBLIC INFRASTRUCTURE PROJECTS WITHIN THE 84<sup>TH</sup> STREET REDEVELOPMENT AREA PENDING THE ISSUANCE OF PERMANENT PROPERTY TAX SUPPORTED SALES TAX REVENUE BONDS; PRESCRIBING THE FORM OF SAID NOTES; AGREEING TO ISSUE PROPERTY TAX SUPPORTED SALES TAX REVENUE BONDS TO PAY THE NOTES AT MATURITY OR TO PAY THE NOTES FROM OTHER AVAILABLE FUNDS; AND ENTERING INTO A CONTRACT ON BEHALF OF THE CITY WITH THE HOLDERS OF SAID NOTES.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA:

Section 1. The Mayor and City Council (the "Council") of the City of La Vista, Nebraska (the "City"), hereby find and determine that:

- (a) The City imposes a sales and use tax in the amount of one and one-half percent (1.50%) upon the same transactions within the City on which the State of Nebraska is authorized to impose a tax pursuant to the Local Option Revenue Act (Sections 77-27,142 to 77-27,148, inclusive, Reissue Revised Statutes of Nebraska, as amended, the "Act").
- (b) An election (the "Election") was duly called and held in conjunction with the Statewide Primary Election on May 13, 2014, pursuant to the Act, to impose an additional one-half of one percent (0.50%) sales and use tax to pay the costs of public infrastructure projects within the 84<sup>th</sup> Street Redevelopment Area, at which Election a majority of all the qualified electors voting on said proposition voted in favor of the levy and collection of the additional 1/2% sales and use tax (the "Tax").
- (c) Pursuant to Ordinance No. 1215 passed and approved on June 3, 2014, the Mayor and Council imposed the Tax applicable to all taxable transactions within the City on and after October 1, 2014, and continuing for a period of ten years, unless bonds are issued and some or all of the revenues from the Tax are pledged for payment of the bonds, in which case the Tax shall remain in effect until payment in full of said bonds and any refunding bonds, whichever date is later.
- (d) Pursuant to the Act the City is authorized to issue bond anticipation notes or other evidences of indebtedness in the same manner and for the same purposes as the issuance of bonds.
- (e) It is necessary, desirable, advisable and in the best interest of the City that bond anticipation notes be issued to provide interim financing for public infrastructure projects, as defined in the Act, within the 84<sup>th</sup> Street Redevelopment Area (collectively, the "Project").

(f) All conditions, acts and things required to exist or to be done precedent to the issuance of Bond Anticipation Notes, Series 2016, of the City of La Vista, Nebraska, in one or more series in the aggregate stated principal amount of not to exceed Eleven Million Two Hundred Fifty Thousand Dollars (\$11,250,000) pursuant to the Act to provide interim financing for portion of the cost of the Project do exist and have been done as required by law.

Section 2. For the purpose of providing interim financing for the costs set out in Section 1 pending the issuance of permanent property tax supported sales tax revenue bonds or other bonds by the City of La Vista, there shall be and there are hereby ordered issued bond anticipation notes of the City of La Vista, Nebraska, to be known as "Bond Anticipation Notes, Series 2016" of the aggregate stated principal amount of not to exceed Eleven Million Two Hundred Fifty Thousand Dollars (\$11,250,000) in one or more series (herein referred to as the "Notes" or the "notes"), consisting of fully registered notes numbered from 1 upwards in the order of issuance, in the denomination of \$5,000 each, or integral multiples thereof. The Notes shall bear interest at the rates per annum and become due and bear such other terms as set forth in a designation of final terms, which may be in the form of a note purchase agreement, (the "Designation") subject to and in accordance with the following:

The Mayor, City Administrator and/or Director of Administrative Services (each, an "Authorized Officer") may negotiate for the sale of the Series Notes in one or more series with an underwriting discount of not more than 1.0% of the principal amount thereof (which sale price may be adjusted to take into account any original issue discount or original issue premium), with D.A. Davidson & Co. (the "Underwriter"). In connection with and as a part of such sale or sales, the Authorized Officer shall fix (which may be done in connection with a Note Purchase Agreement between the City and the Underwriter) (a) the series designation of such series of Notes; (b) the final maturity of such series of the Notes; (c) the principal amount of such series of the Notes; provided, however that the aggregate stated principal amount of all series of Notes shall not exceed the aggregate stated amount of \$11,250,000 but may be less than that amount; (d) the rate or rates of interest to be borne by each maturity of such series of the Notes, provided that the Notes shall not bear interest at a true interest cost in excess of 3.25% per annum; (e) the date or dates upon which semiannual interest shall be payable, and the record date for the purpose of determining the owners of each series of the Notes for the payments of interest; (f) the dates upon which such series of the Notes will be subject to redemption at the option of the City; (g) the identity of the Registrar and the Paying Agent for each series of the Notes and the form and contents of any agreement or agreements under which the Registrar and the Paying Agent would serve in such respective capacities with respect to each series of the Notes; (h) the date of redemption, if any, of any outstanding notes of the City and the form and contents of any notice to be given with respect thereto; (i) the amount of Notes to be issued as tax-exempt bonds and as taxable bonds; (j) the disposition of the proceeds of such series of the Notes; and (k) all such other terms and provisions of the Notes not otherwise fixed or established by this Ordinance. Upon the delivery of and payment for each series of the Notes, the Underwriter also shall pay to the City the interest accrued on such series of the Notes from the date thereof to the date of delivery of and payment therefor, all as an Authorized Officer may establish acting on behalf of the City and as may be agreed to by the Underwriter.

Interest on the Notes shall be payable on such dates as shall be determined in the Designation, (each of said dates an "Interest Payment Date") and the Notes shall bear such interest from the date of original issue or the most recent Interest Payment Date, whichever is later. The interest due on each Interest Payment Date shall be payable to the registered owners of record as of the close of business on the fifteenth day immediately preceding the Interest Payment Date (the "Record Date"), subject to the provisions of Section 4 hereof. The Notes shall be numbered from 1 upwards in the order of their issuance. No Note shall be issued originally or upon transfer or partial redemption having more than one principal maturity.

Also provided, however, the City reserves the right to redeem any or all of said notes prior to maturity anytime on or after a redemption date as shall be determined in the Designation, upon not less than thirty days written notice, at par and accrued interest to the date fixed for redemption. Such notice of call for redemption shall be sufficient if it has been sent to a registered holder of said note or notes by first class mail addressed to the registered address of said registered holder. If less than all of the notes are called and redeemed, such notes shall be called in increments of \$5,000 or integral multiples thereof. If less than all of the principal amount of any outstanding note is called for redemption, in such case upon the surrender of such note called for payment, there shall be issued to the registered owner of said note, without charge therefor, a registered note or notes for the unpaid principal balance in any of the authorized denominations authorized by this ordinance.

The principal of said notes and any interest due on said notes upon maturity or earlier call for redemption shall be payable at the office of the Paying Agent and Registrar, upon presentation and surrender of the note or notes when due or when called for payment prior to maturity.

Section 3. The Authorized Officers are hereby authorized to designate the Paying Agent and Registrar for the Notes in a Designation, which Paying Agent and Registrar shall be the City Treasurer or a bank or trust company. If said Paying Agent and Registrar is a bank or trust company, said Paying Agent and Registrar shall serve in such capacities under the terms of an agreement entitled "Paying Agent and Registrar's Agreement" between the City and said Paying Agent and Registrar and the Mayor and City Clerk are hereby authorized to execute said agreement. The Paying Agent and Registrar shall keep and maintain for the City books for the registration and transfer of the Notes. The names and registered addresses of the registered owner or owners of the

Notes shall at all times be recorded in such books. Any Note may be transferred pursuant to its provisions by said Paying Agent and Registrar by surrender of such Note for cancellation, accompanied by a written instrument of transfer, in form satisfactory to said Paying Agent and Registrar, duly executed by the registered owner in person or by such owner's duly authorized agent, and thereupon the Paying Agent and Registrar on behalf of the City will deliver (or send by registered mail to the transferee owner or owners thereof at such transferee owner's or owners' risk and expense), registered in the name of such transferee owner or owners, a new note or notes of the same series, interest rate, aggregate principal amount and maturity. To the extent of the denominations authorized for the notes by this ordinance, one note may be transferred for several such notes of the same series, interest rate and maturity, and for a like aggregate principal amount, and several such notes may be transferred for one or several such notes, respectively of the same series, interest rate and maturity and for a like aggregate principal amount. In every case of transfer of a note, the surrendered note shall be cancelled and destroyed. All notes issued upon transfer of the notes so surrendered shall be valid obligations of the City evidencing the same obligations as the notes surrendered and shall be entitled to all the benefits and protection of this ordinance to the same extent as the notes upon transfer of which they were delivered. The City and said Paying Agent and Registrar shall not be required to transfer any note called for redemption for a period of 30 days next preceding the date fixed for redemption.

Section 4. Said Notes shall not be valid and binding on the City until authenticated by the Paying Agent and Registrar.

Section 5. Said notes shall be substantially in the following form:

UNITED STATES OF AMERICA  
STATE OF NEBRASKA  
COUNTY OF SARPY

BOND ANTICIPATION NOTE  
OF THE CITY OF LA VISTA, NEBRASKA  
SERIES 2016[A/B]

No. R-1

<u>Interest Rate</u> _____ %	<u>Maturity Date</u> _____, 20____	<u>Date of Original Issue</u> _____, 2016	<u>CUSIP</u> _____
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Registered Owner: Cede & Co.  
13-2555119

Principal Amount: \_\_\_\_\_ DOLLARS (\$\_\_\_\_\_)

KNOW ALL PERSONS BY THESE PRESENTS: That the City of La Vista, in the County of Sarpy, in the State of Nebraska, hereby acknowledges itself to owe and for value received promises to pay to the registered owner shown above and as shown on the registration books of the City on the maturity date shown above, the principal amount shown above in lawful money of the United States of America with interest thereon to maturity (or earlier redemption) from the date of original issue or most recent Interest Payment Date, whichever is later, at the rate per annum specified above, payable semiannually on \_\_\_\_\_ and \_\_\_\_\_ of each year, commencing \_\_\_\_\_, 20\_\_\_\_ (each of said dates an "Interest Payment Date"). Said interest shall be computed on the basis of a 360-day year consisting of twelve 30-day months. The principal of this note and any interest due are payable at the office of \_\_\_\_\_, as Paying Agent and Registrar, in \_\_\_\_\_, Nebraska, upon presentation and surrender of the note when due or when called for payment prior to maturity.

This note is redeemable at the option of the City prior to maturity at any time on or after \_\_\_\_\_, 20\_\_\_\_ at par and accrued interest to date fixed for redemption. Notice of call of any note for redemption prior to maturity shall be sufficient if given in writing and mailed by first class mail, postage prepaid, to the registered owner at the address shown on the note register not less than thirty days prior to the date fixed for redemption.

This note is one of an issue of notes numbered from 1 upwards in order of issuance, of the total principal amount of \_\_\_\_\_ Thousand Dollars (\$\_\_\_\_\_) in the denomination of \$5,000 or integral multiples thereof, of even date and like tenor herewith, issued by the City of La Vista for the purpose of providing interim financing to pay a portion of the cost of public infrastructure projects, as defined in Section 77-27,142, R.R.S. Neb., within the 84<sup>th</sup> Street Redevelopment Area of the City, pending the issuance of permanent property tax supported sales tax revenue bonds or other bonds. The issuance of this note and the other notes of this issue has been lawfully authorized by ordinance duly passed, signed and published by the Mayor and City Council of said City in strict compliance with Section 77-27,142, Reissue Revised Statutes of Nebraska, and all other applicable laws.

The City agrees that the principal and interest of this note shall be payable from the proceeds of the issuance and sale of its property tax supported sales tax revenue bonds or other bonds, the issuance and sale of its bond anticipation notes, or from other monies of the City lawfully available for such purposes.

The City reserves the right to issue additional bond anticipation notes for the purpose of paying the balance of the costs of the projects financed in part by this issue of notes or of other improvement projects of the City, for the purpose of refunding the notes of this issue at or prior to maturity and for the purpose of paying for additional improvements for the City. The ordinance under which these notes are issued constitutes an irrevocable contract between the City and the holders of all of said notes and said contract cannot be changed or altered without the written consent of the holders of seventy-five percent (75%) in principal amount of the notes of this series then outstanding.

AS PROVIDED IN THE ORDINANCE REFERRED TO HEREIN, UNTIL THE TERMINATION OF THE SYSTEM OF BOOK-ENTRY-ONLY TRANSFERS THROUGH THE DEPOSITORY TRUST COMPANY, NEW YORK, NEW YORK (TOGETHER WITH ANY SUCCESSOR SECURITIES DEPOSITORY APPOINTED PURSUANT TO THE ORDINANCE, "DTC"), AND NOTWITHSTANDING ANY OTHER PROVISIONS OF THE ORDINANCE TO THE CONTRARY, A PORTION OF THE PRINCIPAL AMOUNT OF THIS NOTE MAY BE PAID OR REDEEMED WITHOUT SURRENDER HEREOF TO THE REGISTRAR. DTC OR A NOMINEE, TRANSFeree OR ASSIGNEE OF DTC OF THIS NOTE MAY NOT RELY UPON THE PRINCIPAL AMOUNT INDICATED HEREON AS THE PRINCIPAL AMOUNT HEREOF OUTSTANDING AND UNPAID. THE PRINCIPAL AMOUNT HEREOF OUTSTANDING AND UNPAID SHALL FOR ALL PURPOSES BE THE AMOUNT DETERMINED IN THE MANNER PROVIDED IN THE ORDINANCE.

UNLESS THIS NOTE IS PRESENTED BY AN AUTHORIZED OFFICER OF DTC  
(A) TO THE REGISTRAR FOR REGISTRATION OF TRANSFER OR EXCHANGE OR  
(B) TO THE REGISTRAR FOR PAYMENT OF PRINCIPAL, AND ANY NOTE ISSUED IN  
REPLACEMENT HEREOF OR SUBSTITUTION HEREOF IS REGISTERED IN THE  
NAME OF DTC AND ANY PAYMENT IS MADE TO DTC OR ITS NOMINEE, ANY  
TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR  
TO ANY PERSON IS WRONGFUL BECAUSE ONLY THE REGISTERED OWNER  
HEREOF, DTC OR ITS NOMINEE, HAS AN INTEREST HEREIN.

This note shall not be valid and binding on the City until authenticated by the Paying Agent and Registrar.

IT IS HEREBY CERTIFIED AND WARRANTED that all conditions, acts and things required by law to exist or to be done precedent to and in the issuance of this note did exist, did happen and were done and performed in regular and due form and time as provided by law.

IN WITNESS WHEREOF the Mayor and Council of the City of La Vista, Nebraska, have caused this note to be executed on behalf of the City with the manual or facsimile signatures of the Mayor and the City Clerk and by causing the official seal of the City to be impressed or imprinted hereon, all as of the date of original issue specified above.

CITY OF LA VISTA, NEBRASKA

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Douglas Kindig, Mayor

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk

(SEAL)

**CERTIFICATE OF AUTHENTICATION**

This note is one of the notes of the issue designated therein and issued under the provisions of the ordinance authorizing said issue.

**Paying Agent and Registrar**

**Authorized Signature**

**(Form of Assignment)**

For value received \_\_\_\_\_  
hereby sells, assigns and transfers unto \_\_\_\_\_  
the within mentioned note and hereby irrevocably constitutes and appoints  
\_\_\_\_\_, attorney, to transfer the same  
on the books of registration in the office of the within-in mentioned Paying Agent and  
Registrar with full power of substitution in the premises.

Dated: \_\_\_\_\_

**Registered Owner(s)**

**Witness:** \_\_\_\_\_

Note: The signature of this assignment must correspond with the name as written on the face of the within-mentioned note in every particular, without alteration, enlargement or any change whatsoever.

Section 6. Each of the Notes shall be executed on behalf of the City with the manual or facsimile signatures of the Mayor and the City Clerk and shall have imprinted thereon the City's seal (which may be a facsimile seal). The Notes shall be issued initially as "book-entry-only" notes using the services of The Depository Trust Company ("DTC"), with one typewritten note certificate per maturity being issued to DTC. In such connection, said officers are authorized to execute and deliver a Letter of Representations in the form required by DTC (including any blanket letter previously executed and delivered by the City), for and on behalf of the City, which shall thereafter govern matters with respect to registration, transfer, payment and redemption of the Notes. Upon the issuance of the Notes as "book-entry-only" notes, the following provisions shall apply:

(a) The City and the Paying Agent and Registrar shall have no responsibility or obligation to any broker-dealer, bank or other financial institution for which the Depository holds Notes as securities depository (each, a "Bond Participant") or to any person who is an actual purchaser of a Note from a Bond Participant while the Notes are in book-entry form (each, a "Beneficial Owner") with respect to the following:

- (i) the accuracy of the records of the Depository, any nominees of the Depository or any Bond Participant with respect to any ownership interest in the Notes,
- (ii) the delivery to any Bond Participant, any Beneficial Owner or any other person, other than the Depository, of any notice with respect to the Notes, including any notice of redemption, or
- (iii) the payment to any Bond Participant, any Beneficial Owner or any other person, other than the Depository, of any amount with respect to the Notes.

The Paying Agent and Registrar shall make payments with respect to the Notes only to or upon the order of the Depository or its nominee, and all such payments shall be valid and effective fully to satisfy and discharge the obligations with respect to such Notes to the extent of the sum or sums so paid. No person other than the Depository shall receive an authenticated Note, except as provided in (e) below.

(b) Upon receipt by the Paying Agent and Registrar of written notice from the Depository to the effect that the Depository is unable or unwilling to discharge its responsibilities, the Paying Agent and Registrar shall issue, transfer and exchange Notes requested by the Depository in appropriate amounts. Whenever the Depository requests the Paying Agent and Registrar to do so, the Paying Agent and Registrar will cooperate with the Depository in taking appropriate action after reasonable notice (i) to arrange, with the prior written consent of the City, for a substitute depository willing and able upon reasonable and customary terms to maintain custody of the Notes or (ii) to make available Notes registered in whatever name or names the Beneficial Owners transferring or exchanging such Notes shall designate.

(c) If the City determines that it is desirable that certificates representing the Notes be delivered to the Bond Participants and/or Beneficial Owners of the Notes and so notifies the Paying Agent and Registrar in writing, the Paying Agent and Registrar shall so notify the Depository, whereupon the Depository will notify the Bond Participants of the availability through the Depository of note certificates representing the Notes. In such event, the Paying Agent and Registrar shall issue, transfer and exchange note certificates representing the Notes as requested by the Depository in appropriate amounts and in authorized denominations.

(d) Notwithstanding any other provision of this Ordinance to the contrary, so long as any Note is registered in the name of the Depository or any nominee thereof, all

payments with respect to such Note and all notices with respect to such Note shall be made and given, respectively, to the Depository as provided in the Letter of Representations.

(e) Registered ownership of the Notes may be transferred on the books of registration maintained by the Paying Agent and Registrar, and the Notes may be delivered in physical form to the following:

(i) any successor securities depository or its nominee;

(ii) any person, upon (A) the resignation of the Depository from its functions as depository or (B) termination of the use of the Depository pursuant to this Section.

(f) In the event of any partial redemption of a Note unless and until such partially redeemed Note has been replaced in accordance with the provisions of this Ordinance, the books and records of the Paying Agent and Registrar shall govern and establish the principal amount of such Note as is then outstanding and all of the Notes issued to the Depository or its nominee shall contain a legend to such effect.

If for any reason the Depository resigns and is not replaced, the City shall immediately provide a supply of printed note certificates for issuance upon the transfers from the Depository and subsequent transfers or in the event of partial redemption. In the event that such supply of certificates shall be insufficient to meet the requirements of the Paying Agent and Registrar for issuance of replacement Notes upon transfer or partial redemption, the City agrees to order printed an additional supply of certificates and to direct their execution by manual or facsimile signature of its then duly qualified and acting Mayor and City Clerk of such City. In case any officer whose signature or facsimile thereof shall appear on any Note shall cease to be such officer before the delivery of such Note (including any note certificates delivered to the Paying Agent and Registrar for issuance upon transfer or partial redemption), such signature or such facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if such officer or officers had remained in office until the delivery of such Note. The Notes shall not be valid and binding on the City until authenticated by the Paying Agent and Registrar. The City Treasurer shall cause the Notes to be registered and authenticated. Upon execution, registration and authentication of the Notes, the City Treasurer is authorized to deliver them to D.A. Davidson & Co., as the initial purchaser thereof, upon receipt of the principal amount of the Notes plus accrued interest thereon, to date of payment for the Bonds, less the Underwriter's discount and taking into consideration any original issue discount or original issue premium, in accordance with Section 2 hereof. Said initial purchaser shall have the right to direct the registration of the Notes and the denominations thereof within each maturity, subject to the restrictions of this Ordinance. The Underwriter and its agents, representatives and counsel and the City's bond counsel are hereby authorized to take such actions on behalf of the City as

are necessary to effectuate the closing of the issuance and sale of the Notes, including, without limitation, authorizing the release of the Notes by the Depository at closing. The Authorized Officers of the City (or any one of them) are hereby authorized to execute a note purchase agreement for the sale of the Notes to the Underwriter. The officers of the City, or any one or more of them are hereby further authorized to take any and all actions and enter into any and all agreements deemed necessary or appropriate in connection with the issuance and sale of the Notes, and any such actions previously taken are hereby ratified and confirmed.

Section 7. The City covenants and agrees that it will take all steps required to complete the improvements described in Section 1 hereof in a manner to allow it to issue and sell its property tax supported sales tax revenue bonds or other bonds. The City further covenants and agrees to issue and sell its property tax supported sales tax revenue bonds or other bonds in a sufficient amount and at such times as will enable it to take up and pay off the bond anticipation notes herein ordered issued, both principal and interest, at or prior to maturity, to the extent not paid from other sources.

Section 8. The City hereby reserves the right to issue additional bond anticipation notes for the purpose of paying the balance of the cost of the projects of the City set out in Section 1 hereof, for the purpose of refunding the Notes herein ordered issued at or prior to maturity or for the purpose of paying for additional improvements for the City.

Section 9. The City Clerk shall make and certify a complete transcript of the proceedings had and done by said City precedent to the issuance of said Notes, a copy of which shall be delivered to the initial purchaser of the Notes. After being executed by the Mayor and Clerk said Notes shall be delivered to the City Treasurer who shall be responsible therefor under her official bond. The City Treasurer is authorized and directed to deliver said Notes to the purchaser upon receipt of payment of the purchase price in accordance with the contract of the City with said purchaser.

Section 10. With respect to Notes issued as the City's tax-exempt obligations, the City hereby covenants and agrees that it will make no use of the proceeds of such Notes which would cause such Notes to be arbitrage bonds within the meaning of Sections 103(b)(2) and 148 of the Internal Revenue Code of 1986, as amended (the "Code") and further covenants to comply with said Sections 103(b)(2) and 148 and all applicable regulations thereunder throughout the term of said issue, including all requirements with respect to payment and reporting of rebates, if applicable. The City

hereby covenants to take all action necessary to preserve the tax-exempt status of the interest on such Notes for federal income tax purposes under the Code with respect to taxpayers generally. The City further agrees that it will not take any actions which would cause such Notes to constitute "private activity bonds" within the meaning of Section 141 of the Code.

Section 11. The City hereby (a) authorizes and directs that an Authorized Officer execute and deliver, on the date of issue of the Notes, a continuing disclosure undertaking (the "Continuing Disclosure Undertaking") in such form as shall be satisfactory to the City and in compliance with Rule 15c2-12 of the Securities and Exchange Commission, and (b) covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Undertaking. Notwithstanding any other provision of this ordinance, failure of the City to comply with the Continuing Disclosure Undertaking shall not be considered an event of default hereunder; however, any Participating Underwriter (as such term is defined in the Continuing Disclosure Undertaking) or any Beneficial Owner or any Registered Owner of a Note (as such terms are defined in the Continuing Disclosure Undertaking) may take such actions as may be necessary and appropriate, including seeking mandamus or specific performance by court order, to cause the City to comply with its obligations under this section.

Section 12. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this ordinance.

Section 13. All ordinances, resolutions or orders, or parts thereof, in conflict with the provisions of this Ordinance are to the extent of said conflict hereby repealed.

Section 14. The Authorized Officers (or any one of them) to approve and deem final a Preliminary Official Statement with respect to the Notes and the information therein contained, and the Authorized Officers (or any one of them) are further authorized to approve and deliver a final Official Statement for and on behalf of the City, all in accordance with Rule 15c2-12 of the Securities and Exchange Commission.

Section 15. This Ordinance shall be published in pamphlet form as provided by law. This Ordinance shall take effect immediately upon its publication in pamphlet form.

PASSED AND APPROVED THIS 19TH DAY OF JULY, 2016.

CITY OF LA VISTA, NEBRASKA

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Douglas Kindig, Mayor

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk

(SEAL)

**NOTICE OF PUBLICATION**

**OF ORDINANCE NO. \_\_\_\_\_**

**IN PAMPHLET FORM**

Public Notice is hereby given that at a meeting of the Mayor and City Council of the City of La Vista Nebraska, held at \_\_\_\_\_ p.m. on Tuesday, July 19, 2016, there was passed and adopted Ordinance No. \_\_\_\_\_ entitled:

**AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF BOND ANTICIPATION NOTES, SERIES 2016, OF THE CITY OF LA VISTA, NEBRASKA, OF THE PRINCIPAL AMOUNT OF NOT TO EXCEED ELEVEN MILLION TWO HUNDRED FIFTY THOUSAND DOLLARS (\$11,250,000) FOR THE PURPOSE OF PROVIDING INTERIM FINANCING FOR PUBLIC INFRASTRUCTURE PROJECTS WITHIN THE 84<sup>TH</sup> STREET REDEVELOPMENT AREA PENDING THE ISSUANCE OF PERMANENT PROPERTY TAX SUPPORTED SALES TAX REVENUE BONDS; PRESCRIBING THE FORM OF SAID NOTES; AGREEING TO ISSUE PROPERTY TAX SUPPORTED SALES TAX REVENUE BONDS TO PAY THE NOTES AT MATURITY OR TO PAY THE NOTES FROM OTHER AVAILABLE FUNDS; AND ENTERING INTO A CONTRACT ON BEHALF OF THE CITY WITH THE HOLDERS OF SAID NOTES.**

Said Ordinance was published in pamphlet form on July \_\_\_\_\_ 2016. Copies of said Ordinance as published in pamphlet form are available for inspection and distribution at the Office of the City Clerk, in the City of La Vista, Nebraska.

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City Clerk

**CERTIFICATE AS TO PUBLICATION IN PAMPHLET FORM**

The undersigned City Clerk for the City of La Vista, Nebraska, hereby certifies that Ordinance No. \_\_\_\_\_ as passed and approved by the Mayor and Council of the City of La Vista, Nebraska, at their meeting held on July 19, 2016, was published in pamphlet form on July \_\_\_\_\_, 2016 and that a true and correct copy of such Ordinance as so passed and published is attached hereto.

Dated this \_\_\_\_\_ day of July, 2016.

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City Clerk

(SEAL)