

CITY OF ELLensburg, WASHINGTON

LIMITED TAX GENERAL OBLIGATION BONDS, 2010  
ONGOING DISCLOSURE UNDERTAKING AMENDMENT

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ORDINANCE NO. 4814

AN ORDINANCE OF THE CITY OF ELLensburg, WASHINGTON, AMENDING ORDINANCE NO. 4560 PROVIDING NECESSARY MODIFICATIONS TO THE ONGOING DISCLOSURE UNDERTAKING OF THE CITY IN CONNECTION WITH ITS OUTSTANDING LIMITED TAX GENERAL OBLIGATION BONDS, 2010 TO REFLECT THE BUDGETING ACCOUNTING AND REPORTING SYSTEM PRESCRIBED BY THE WASHINGTON STATE AUDITOR PURSUANT TO RCW 43.09.200 (OR ANY SUCCESSOR STATUTE); AND AUTHORIZING THE FINANCE DIRECTOR TO PROVIDE NOTICE TO THE MUNICIPAL SECURITIES RULEMAKING BOARD OF THE AMENDMENT TO THE UNDERTAKING.

APPROVED ON NOVEMBER 19, 2018

PREPARED BY:

K&L GATES LLP  
Seattle, Washington

CITY OF ELLENSBURG, WASHINGTON

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\* This Table of Contents and the cover page are provided for convenience only and is not a part of this ordinance.

ORDINANCE NO. 4814

AN ORDINANCE OF THE CITY OF ELLENSBURG, WASHINGTON, AMENDING ORDINANCE NO. 4560 PROVIDING NECESSARY MODIFICATIONS TO THE ONGOING DISCLOSURE UNDERTAKING OF THE CITY IN CONNECTION WITH ITS OUTSTANDING LIMITED TAX GENERAL OBLIGATION BONDS, 2010 TO REFLECT THE BUDGETING ACCOUNTING AND REPORTING SYSTEM PRESCRIBED BY THE WASHINGTON STATE AUDITOR PURSUANT TO RCW 43.09.200 (OR ANY SUCCESSOR STATUTE); AND AUTHORIZING THE FINANCE DIRECTOR TO PROVIDE NOTICE TO THE MUNICIPAL SECURITIES RULEMAKING BOARD OF THE AMENDMENT TO THE UNDERTAKING.

WHEREAS, the City of Ellensburg, Washington (the “City”) adopted Ordinance No. 4560 on February 16, 2010, providing for the issuance of the City’s Limited Tax General Obligation Bonds, 2010 (the “2010 Bonds”) in the aggregate principal amount of \$2,935,000, with a final maturity date of December 1, 2030; and

WHEREAS, within Section 20 of Ordinance No. 4560, the City made the written undertaking (the “Undertaking”) for the benefit of holders of the 2010 Bonds to provide annual financial information and operating data, consisting of financial statements prepared in accordance with generally accepted accounting principles (“GAAP”), and notice of material events directly or through a designated agent, to the Municipal Securities Rulemaking Board, or any successors to its functions (the “MSRB”); and

WHEREAS, the City wishes to amend its Undertaking for the 2010 Bonds due to transitioning from GAAP reporting to cash basis reporting, in accordance with the Budgeting, Accounting and Reporting System (BARS Manual); and

WHEREAS, Section 20(c) of Ordinance No. 4560 allows for amendments to the Undertaking without the consent of any holder of any 2010 Bond, or of any broker, dealer, municipal securities dealer, participating underwriter, rating agency or the MSRB under the circumstances and in the manner permitted by Rule 15c2-12 of the Securities and Exchange Commission under the Securities Exchange Act of 1934; and

WHEREAS, in accordance with the Undertaking, the City must give notice of any amendment of the Undertaking to the MSRB through the MSRB's Electronic Municipal Market Access system ("EMMA") to include the substance and brief statement of the reasons for the Amendment; and

WHEREAS, it is now in the best interests of the City to amend the Undertaking as described in Section 1 herein (the "Amendment") and provide notice to the MSRB of the Amendment;

NOW, THEREFORE, the City Council of the City of Ellensburg do ordain as follows:

Section 1. Amendment to Ordinance No. 4560. Section 20(b)(i) of Ordinance No. 4560, is hereby amended to read as follows (additions are underscored and deletions are shown as stricken):

(b) Type of Annual Financial Information Undertaken to be Provided. The annual financial information that the City undertakes to provide in subsection (a) of this section:

(i) Shall consist of (1) annual financial statements, which statements may or may not be audited, showing ending fund balances for the City's general fund prepared in accordance with the Budgeting Accounting and Reporting System prescribed by the Washington State Auditor pursuant to RCW 43.09.200 (or any successor statute) ~~annual financial statements prepared (except as noted in the financial statements) in accordance with generally accepted accounting principles applicable to Washington governmental units such as the City, as such principles may be changed from time to time as permitted by State law, which statements need not be audited, except that if and when audited financial statements are otherwise prepared and available to the City they will be provided;~~ (2)

authorized, issued and outstanding balance of general obligation bonds; (3) assessed value of the property within the City subject to ad valorem taxation; and (4) ad valorem tax levy rates and amounts and percentage of taxes collected;

(ii) Shall be provided not later than the last day of the ninth month after the end of the fiscal year of the City (currently, a fiscal year ending December 31), as such fiscal year may be changed as required or permitted by State law, commencing with the City's fiscal year ending December 31, 2009; and

(iii) May be provided in a single or multiple documents, and may be incorporated by specific reference to documents available to the public on the Internet website of the MSRB or filed with the SEC.

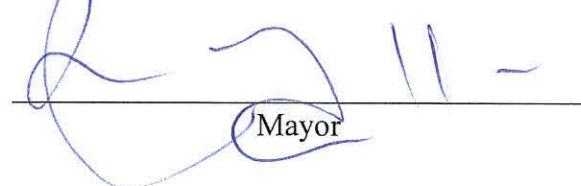
Section 2. Confirmation of Ordinance 4560, as amended. Ordinance No. 4560, as amended by this amendatory ordinance is hereby ratified and confirmed.

Section 3. Authorization of Finance Director. The Finance Director of the City, is hereby authorized to provide notice to the MSRB through EMMA reflecting the terms of the Amendment. Such notice shall include a copy of the Amendment and a brief statement of the reasons for the Amendment. Such statement shall also include a narrative explanation of the effect of the Amendment on the financial information to be provided to the MSRB.

Section 4. Effective Date. This ordinance shall take effect and be in force five (5) days after its passage, approval and publication.

PASSED by the City Council of the City of Ellensburg, Washington, at a regular open public meeting thereof this 19<sup>th</sup> day of November, 2018, and signed in authentication of its passage this 19<sup>th</sup> day of November, 2018.

CITY OF ELLensburg, WASHINGTON



A handwritten signature in blue ink, appearing to read "R. [Signature] 11-". Below the signature, the word "Mayor" is handwritten in a smaller circle.

ATTEST:



A handwritten signature in blue ink, appearing to read "C. [Signature]".

City Clerk

APPROVED AS TO FORM:



A handwritten signature in blue ink, appearing to read "Cynthia Reed".

Bond Counsel

Publish: 11-24-18

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## CERTIFICATE

I, the undersigned, City Clerk of the City of Ellensburg, Washington (the "City") and keeper of the records of the City Council (the "Council"), DO HEREBY CERTIFY:

1. That the attached Ordinance is a true and correct copy of Ordinance No. 4814 of the Council (the "Ordinance"), duly passed at a regular meeting thereof held on the 19<sup>th</sup> day of November, 2018.
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 legal quorum was present throughout the meeting and a legally sufficient number of members of the Council voted in the proper manner for the passage of the Ordinance; that all other requirements and proceedings incident to the proper passage of the Ordinance have been duly 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 19<sup>th</sup> day of November, 2018.



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City Clerk