

# CITY of ALBUQUERQUE

## TWENTY-SECOND COUNCIL

COUNCIL BILL NO. O-17-36 ENACTMENT NO. \_\_\_\_\_

SPONSORED BY: Don Harris, by request

### ORDINANCE

AUTHORIZING THE ISSUANCE AND SALE OF \$34,107,000 CITY OF ALBUQUERQUE, NEW MEXICO GENERAL OBLIGATION BONDS, CONSISTING OF \$26,367,000 GENERAL PURPOSE GENERAL OBLIGATION BONDS, SERIES 2017A, \$7,740,000 GENERAL OBLIGATION STORM SEWER BONDS, SERIES 2017B, AND \$\_\_\_\_\_ SHORT-TERM GENERAL OBLIGATION BONDS, SERIES 2017C, AUTHORIZED AT AN ELECTION OF THE CITY HELD ON OCTOBER 6, 2015 TO FINANCE PROJECTS RELATING TO PUBLIC SAFETY, CITIZENS' CENTERS, PARKS AND RECREATION, FACILITIES AND EQUIPMENT, LIBRARY, PUBLIC TRANSPORTATION, ZOO, BIOLOGICAL PARK AND MUSEUM FACILITIES, STORM SEWERS, AND STREETS; PROVIDING FOR THE LEVY AND COLLECTION OF *AD VALOREM* TAXES FOR THE PAYMENT OF THE SERIES 2017 BONDS; PROVIDING FOR THE FORMS, TERMS, PURCHASE, PAYMENT, EXECUTION AND OTHER PROVISIONS OF AND CONCERNING THE SERIES 2017 BONDS; PROVIDING FOR THE AWARD AND SALE OF THE SERIES 2017A BONDS AND THE SERIES 2017B BONDS TO THE PURCHASER THEREOF; AUTHORIZING THE SALE OF THE SERIES 2017C BONDS TO THE STATE OF NEW MEXICO; PRESCRIBING OTHER DETAILS IN CONNECTION WITH THE SERIES 2017 BONDS AND THE PAYMENT THEREOF; AND RATIFYING PRIOR ACTION TAKEN IN CONNECTION THEREWITH.

Capitalized words used in the following preambles are defined in Section 1 of this Bond Ordinance, unless the context requires otherwise.

1 WHEREAS, the City is a legally and regularly created, established, organized  
2 and existing municipal corporation under the general laws of the State and its  
3 Charter, as amended; and

4 WHEREAS, the City has Home Rule Powers; and

5 WHEREAS, as a result of the affirmative vote of the qualified electors authorized  
6 to vote at the municipal election held on October 6, 2015 (the "2015 Election"), the  
7 City was given the authority to issue general obligation bonds in the principal  
8 amounts stated in the Bond Schedule under the column entitled "Authorized at 2015  
9 Election" (the "Authorized Bonds"):

10 BOND SCHEDULE

11 GENERAL PURPOSE	Authorized at	Series 2017
12 <u>BONDS</u>	<u>2015 Election</u>	<u>Financing</u>
13 Public Safety	\$12,900,000	\$3,815,000
14 Citizens' Centers and Community Enhancement	12,160,000	5,570,000
15 Parks and Recreation	10,710,000	3,060,000
16 Facilities & Equipment	11,375,000	5,705,000
17 Library	8,685,000	4,085,000
18 Public Transportation	4,445,000	217,000
19 Affordable Housing	4,495,000	-0-
20 Streets	33,675,000	3,675,000
21 Metropolitan Redevelopment	2,375,000	-0-
22 Zoo, Bio Park and Museum Facilities	<u>3,940,000</u>	<u>240,000</u>
23 SUBTOTAL	\$104,760,000	\$26,367,000
24 Storm Sewer	<u>14,240,000</u>	<u>7,740,000</u>
25 TOTAL	<u>\$119,000,000</u>	<u>\$34,107,000</u>

26 WHEREAS, the City desires to issue part of the Authorized Bonds sufficient to  
27 finance the projects described in the Bond Schedule above under the column  
28 entitled "Series 2017 Financing" (the "Series 2017 Bonds"); and

29 WHEREAS, the Council desires to authorize the issuance and sale of the Series  
30 2017 Bonds; and

31 WHEREAS, it is essential to proceed with the City's capital improvement  
32 programs by issuing and selling the Series 2017A Bonds and the Series 2017B

1 Bonds at competitive sale and by issuing and selling the Series 2017C Bonds at  
2 private sale to the State of New Mexico to fund the Series 2017 Bond Projects; and

3 WHEREAS, pursuant to the Series 2017 Series A and Series B Bond Notice,  
4 which was given as required by law, unconditional bids for the purchase of the  
5 Series 2017A Bonds and the Series 2017B Bonds were reviewed and examined on  
6 March 6, 2017; and

7 WHEREAS, it is in the best interests of the City to sell the Series 2017A Bonds,  
8 and the Series 2017B Bonds to the Purchaser in accordance with the terms set forth  
9 in the Bond Ordinance; and

10 WHEREAS, Section 6-15-5 NMSA 1978 and Section 6-15-10 NMSA 1978  
11 authorize municipalities to sell general obligation bonds to the State of New Mexico  
12 at the price and terms agreed upon by the municipality and the State; and

13 WHEREAS, it is in the best interests of the City to sell the Series 2017C Bonds to  
14 the State of New Mexico in a negotiated sale on the terms set forth in the Bond  
15 Ordinance; and

16 WHEREAS, all required authorizations, consents or approvals of any state  
17 governmental body, agency or authority in connection with the authorization,  
18 execution and delivery of the Series 2017 Bonds required as of the date of the  
19 adoption of the Bond Ordinance have been obtained and those required to be  
20 obtained prior to the date of the delivery of any Series 2017 Bonds will be obtained  
21 by the date of delivery of the Series 2017 Bonds; and

22 WHEREAS, the Preliminary Official Statement, the form of the Continuing  
23 Disclosure Undertaking (attached as Appendix D to the Preliminary Official  
24 Statement), the form of Official Statement and a form of Bond Purchase Agreement  
25 with respect to the Series 2017C Bonds have been on deposit with the City Clerk  
26 and presented to City Council.

27 BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF  
28 ALBUQUERQUE:

29 SECTION 1. DEFINITIONS AND RULES OF CONSTRUCTION.

30 (A) DEFINITIONS. As used in the Bond Ordinance, the following terms  
31 shall have the meanings specified unless the context clearly requires otherwise:

1           ACT. Sections 3-30-1 to 3-30-9 NMSA 1978, Sections 6-15-1 to 6-15-22  
2 NMSA 1978, the Public Securities Short-Term Interest Rate Act, being Sections 6-  
3 18-1 to 6-18-16 NMSA 1978, as amended, the City Charter, the Home Rule Powers  
4 and the Bond Ordinance.

5           AUTHORIZED AT 2015 ELECTION. The amount of debt authorized at  
6 the 2015 Election to be incurred by the City for each separate project listed in the  
7 Bond Schedule.

8           AUTHORIZED DENOMINATIONS. Denominations of \$1,000 and integral  
9 multiples of \$1,000 for the Series 2017A Bonds and 2017B; provided however that  
10 the Series 2017C Bonds may be sold in such odd lot denominations as an  
11 Authorized Officer of the City may determine.

12           AUTHORIZED OFFICER. The City's Mayor, Chief Administrative Officer,  
13 Director of Department of Finance and Administrative Services, Treasurer, or other  
14 officer or employee of the City when designated by a certificate signed by the Mayor  
15 of the City from time to time.

16           BEST BID – SERIES 2017A AND 2017B BONDS. The following bids of  
17 the Purchaser for the Series 2017A Bonds and the Series 2017B Bonds: the  
18 principal amount of \$26,367,000.00 for the Series 2017A Bonds, plus a net premium  
19 of \$\_\_\_\_\_, and the principal amount of \$7,740,000.00 for the Series 2017B  
20 Bonds, plus a net premium of \$\_\_\_\_\_, bearing interest at the rates set forth in  
21 Section 5(D) of the Bond Ordinance. The true interest cost for the Series 2017A  
22 Bonds and the Series 2017B Bonds, taken as a whole and stated as a percentage,  
23 is \_\_\_\_\_%; and the total interest cost for the Series 2017A Bonds and the  
24 Series 2017B Bonds stated in dollars is \$\_\_\_\_\_. The net effective interest  
25 rate on Series 2017A Bonds and the Series 2017B Bonds is less than 10% per  
26 annum.

27           BOND COUNSEL. An attorney or attorneys at law or firm or firms of  
28 attorneys, designated by the City, of nationally recognized standing in matters  
29 pertaining to the issuance of, and the tax-exempt nature of interest on, bonds issued  
30 by states and their political subdivisions.

31           BOND ORDINANCE. This ordinance, being City Ordinance Twenty-

1 Second Council Bill No. F/S O-\_\_\_\_\_, as amended or supplemented from time to  
2 time.

3 BOND PURCHASE AGREEMENT (2017C). The agreement between the  
4 City and the State pursuant to which the Series 2017C Bonds will be sold to the  
5 State.

6 BOND SCHEDULE. The schedule in the preambles to the Bond  
7 Ordinance specifying the aggregate of the indebtedness authorized at the 2015  
8 Election and the indebtedness for each Series 2017 Bond Project authorized at the  
9 2015 Election.

10 BUSINESS DAY. Any day other than (i) a Saturday or Sunday or (ii) any  
11 day on which the offices of the City or the offices of banks located in the cities in  
12 which the principal offices of the Paying Agent and Registrar are located are  
13 authorized or required to remain closed or (iii) a day on which the New York Stock  
14 Exchange is closed.

15 CITY. The City of Albuquerque, in the County of Bernalillo and State of  
16 New Mexico.

17 CONTINUING DISCLOSURE UNDERTAKING. The agreement of the  
18 City pursuant to which the City will agree for the benefit of Owners and beneficial  
19 owners that, while the Series 2017A Bonds and the Series 2017B Bonds are  
20 Outstanding, the City will annually provide certain financial information and operating  
21 data and will provide notice of certain material events.

22 COUNCIL. The Council, the governing body of the City, and any  
23 successor thereto.

24 DEFEASANCE OBLIGATIONS. (1) Government Obligations or; (2) if  
25 permitted by law, other obligations which would result in defeased Series 2017  
26 Bonds receiving the same rating from any national rating agency then rating those  
27 Series 2017 Bonds as would have been received if the obligation described in  
28 clause (1) of this definition had been used.

29 DEPOSITORIES. The following registered securities depository: The  
30 Depository Trust Company, 570 Washington Boulevard, Jersey City, New Jersey  
31 07310, <http://www.dtcc.com>; or in accordance with then-current guidelines of the

1 Securities and Exchange Commission, to such other addresses and/or such other  
2 securities depositories, or no such depositories, as an Authorized Officer may  
3 designate in a certificate of the City.

4 EXPENSES. The reasonable and necessary fees, costs and expenses  
5 incurred by the City in connection with the issuance of the Series 2017 Bonds  
6 including, without limitation, costs of advertising and publication of the Bond  
7 Ordinance, costs of printing the Series 2017 Bonds, if any, and any disclosure  
8 documents, legal fees and expenses, fees and expenses of the Paying Agent and  
9 Registrar, and disclosure matters pertaining or allocable to, the Series 2017 Bonds,  
10 and necessary fees and administrative costs of the City relating to the foregoing.

11 FISCAL YEAR. The twelve-month period used by the City for its general  
12 accounting purposes as the same may be changed from time to time, presently  
13 being the period beginning July 1 each year and ending June 30 of the next  
14 succeeding year.

15 FITCH: Fitch Ratings, and, if such corporation is dissolved or liquidated or  
16 no longer performs the functions of a securities rating agency, another nationally  
17 recognized securities rating agency designated by the City, if any.

18 GOVERNMENT OBLIGATIONS. Direct obligations of, or obligations the  
19 principal of and interest on which are unconditionally guaranteed by, the United  
20 States of America or certificates or receipts established by the United States  
21 Government or its agencies or instrumentalities representing direct ownership of  
22 future interests or principal payments on direct obligations of, or obligations fully  
23 guaranteed by, the United States of America or any of its agencies or  
24 instrumentalities, the obligations of which are backed by the full faith and credit of  
25 the United States, which obligations are held by a custodian in safekeeping on  
26 behalf of the holders of such receipts, and rated or assessed in its highest Rating  
27 Category by S&P, Moody's and Fitch, if then rating any of the Series 2017 Bonds.

28 HOME RULE POWERS. The powers of the City as a home rule city to  
29 exercise legislative powers given pursuant to the City Charter adopted by the City  
30 pursuant to Article X, Section 6 of the State Constitution and all enactments of the  
31 Council relating to the issuance of the Series 2017 Bonds, including the Bond

1 Ordinance.

2 INTEREST AND SINKING FUND. The fund created herein in Section 18  
3 for the payment of debt service on the Series 2017 Bonds.

4 INTEREST PAYMENT DATE. For the Series 2017A Bonds and the  
5 Series 2017B Bonds, each January 1 and July 1 (or if such day is not a Business  
6 Day, then the next succeeding Business Day), beginning January 1, 2018. For the  
7 Series 2017C Bonds, July 1, 2017, the maturity date of the Series 2017C Bonds.

8 MOODY'S. Moody's Investor's Service, Inc. and, if such corporation is  
9 dissolved or liquidated or no longer performs the functions of a securities rating  
10 agency, another nationally recognized securities rating agency designated by the  
11 City, if any.

12 NMSA. New Mexico Statutes Annotated, 1978 Compilation, as amended  
13 or supplemented.

14 OFFICIAL STATEMENT. The final disclosure document relating to the  
15 issuance and sale of the Series 2017A Bonds and the Series 2017B Bonds.

16 OUTSTANDING. When used in reference to bonds, on any particular  
17 date, the aggregate of all such bonds issued and delivered under the applicable City  
18 ordinance authorizing the issuance of such bonds except:

19 (1) those canceled at or prior to such date or delivered to or acquired  
20 by the City at or prior to such date for cancellation;

21 (2) those which have been paid or are deemed to be paid in  
22 accordance with the City ordinance or resolution authorizing the issuance of the  
23 applicable bonds or otherwise relating thereto;

24 (3) in the case of variable rate bonds, bonds deemed tendered, but not  
25 yet presented for payment; and

26 (4) those in lieu of or in exchange or substitution for which other bonds  
27 shall have been delivered, unless proof satisfactory to the City and the paying agent  
28 for the applicable bonds is presented that any bond for which a new bond was  
29 issued or exchanged is held by a bona fide holder or in due course.

30 As used in this definition, the term bond includes any evidence of debt.

31 OWNER. The registered owner or owners of any Series 2017 Bond as

1 shown on the registration books for the Series 2017 Bonds maintained by the  
2 Registrar.

3 PAYING AGENT. The City Treasurer or any trust company, national or  
4 state banking association or financial institution qualified to act and appointed as the  
5 paying agent for the Series 2017 Bonds by an Authorized Officer from time to time.

6 PERMITTED INVESTMENTS. Any investment legally permitted pursuant  
7 to Section 6-10-10 NMSA 1978, the City Charter and the City Investment Policy.

8 PRELIMINARY OFFICIAL STATEMENT. The initial disclosure document  
9 dated February 24, 2017 relating to the issuance and sale of the Series 2017A  
10 Bonds and the Series 2017B Bonds.

11 PURCHASER. With respect to the Series 2017A Bonds and 2017B  
12 Bonds, \_\_\_\_\_, and members of the purchasing syndicate for the Series 2017A  
13 Bonds and the Series 2017B Bonds. With respect to the Series 2017C Bonds, the  
14 State of New Mexico.

15 RATING CATEGORY. A generic securities rating category, without  
16 regard, in the case of a long-term rating category, to any refinement or gradation of  
17 such long-term rating category by a numerical modifier or otherwise.

18 RECORD DATE. The twenty-fifth day of the calendar month preceding  
19 each Interest Payment Date.

20 REGISTRAR. The City Treasurer or any trust company, national or state  
21 banking association or financial institution qualified to act and appointed as the  
22 registrar for the Series 2017 Bonds by an Authorized Officer from time to time.

23 S&P. Standard & Poor's Ratings Group, a division of McGraw-Hill Inc.,  
24 and, if such corporation is dissolved or liquidated or no longer performs the functions  
25 of a securities rating agency, another nationally recognized securities rating agency  
26 designated by the City, if any.

27 SERIES 2017 BOND NOTICE. The notice of bond sale for publication  
28 and the Official Notice of Bond Sale for the Series 2017A Bonds and the Series  
29 2017B Bonds set forth in the Series 2017 Bond Notice Resolution given pursuant to  
30 Section 6-15-5 NMSA 1978, as amended.

31 SERIES 2017 BOND NOTICE RESOLUTION. City Resolution Twenty-



1 Second Council Bill No. F/S R-\_\_\_\_\_, authorizing the giving of notice to receive bids  
2 for the sale of the Series 2017A Bonds and the Series 2017B Bonds.

3 SERIES 2017 BOND PROJECTS. Collectively, the projects to be  
4 financed with Series 2017 Bonds, which are listed in Section 4(C).

5 SERIES 2017 BONDS. The Series 2017A Bonds, the Series 2017B  
6 Bonds, the Series 2017C Bonds, which consist of a portion of the 2015 Election  
7 Bonds, collectively.

8 SERIES 2017A BONDS. The Series 2017A Bonds in the original principal  
9 amount of \$26,367,000 designated as the "City of Albuquerque, New Mexico  
10 General Obligation General Purpose Bonds, Series 2017A" authorized to be issued  
11 and sold by the Bond Ordinance.

12 SERIES 2017B BONDS. The Series 2017B Bonds in the original principal  
13 amount of \$7,740,000 designated as the "City of Albuquerque, New Mexico General  
14 Obligation Storm Sewer Bonds, Series 2017B" authorized to be issued and sold by  
15 the Bond Ordinance.

16 SERIES 2017C BONDS. The Series 2017C Bonds in the original principal  
17 amount of \$\_\_\_\_\_ designated as the "City of Albuquerque, New Mexico  
18 General Obligation Short-Term Bonds, Series 2017C" authorized to be issued and  
19 sold by the Bond Ordinance.

20 STATE. The State of New Mexico.

21 2015 ELECTION. The City's municipal election held on October 6, 2015.

22 2015 ELECTION BONDS. The general obligation bonds of the City  
23 authorized to be issued at the 2015 Election.

24 (B) RULES OF CONSTRUCTION. For purposes of the Bond Ordinance,  
25 unless otherwise expressly provided or unless the context requires otherwise:

26 (1) All references in the Bond Ordinance to designated Sections and  
27 other subdivisions are to the designated Section and other subdivision of the Bond  
28 Ordinance.

29 (2) The words "herein," "hereof," "hereunder," and "herewith" and other  
30 words of similar import refer to the Bond Ordinance as a whole and not to any  
31 particular Section or other subdivision.

1           (3) All accounting terms not otherwise defined in the Bond Ordinance  
2 have the meaning assigned to them in accordance with generally accepted  
3 accounting principles.

4           (4) Words of the masculine gender shall be deemed and construed to  
5 include correlative words of the feminine and neuter genders.

6           (5) The headings used in the Bond Ordinance are for convenience of  
7 reference only and shall not define or limit the provisions of the Bond Ordinance.

8           (6) Terms in singular include plural and vice versa.

9           SECTION 2. RATIFICATION. All action (not inconsistent with the provisions of  
10 the Bond Ordinance) previously taken by the Council and the officers of the City  
11 directed toward the 2015 Election, the Series 2017 Bond Notice and the  
12 authorization, issuance, sale of and bidding process for the Series 2017 Bonds, is  
13 ratified, approved and confirmed.

14          SECTION 3. FINDINGS. The Council declares that it has considered all  
15 relevant information and data and makes the following findings:

16           (A) ADOPTION OF BOND ORDINANCE. The Bond Ordinance has  
17 been adopted by the affirmative vote of a majority of the members of the Council  
18 present at a regularly scheduled meeting of the Council on the date of adoption.  
19 The number of members present constituted a quorum of the Council.

20           (B) ISSUANCE OF SERIES 2017 BONDS. The issuance of the Series  
21 2017 Bonds under the Act to provide funds to finance the Series 2017 Bond Projects  
22 is necessary and in the best interest of the public health, safety, morals and welfare  
23 of the residents of the City.

24           (C) USE OF PROCEEDS OF SERIES 2017 BONDS. The City will  
25 acquire, improve and finance the Series 2017 Bond Projects with the proceeds of  
26 the Series 2017 Bonds.

27          SECTION 4. AUTHORIZATION OF SERIES 2017 BOND PROJECTS AND  
28 EXPENSES.

29           (A) SERIES 2017 BOND PROJECTS; PAYMENT OF EXPENSES.  
30 The acquisition and construction of the Series 2017 Bond Projects and the payment  
31 of Expenses using proceeds of the Series 2017 Bonds in a total aggregate principal

1 amount of \$34,107,000 plus net premium of \$\_\_\_\_\_ (excluding costs of the  
2 Series 2017 Bond Projects to be paid from any source other than the proceeds of  
3 the Series 2017 Bonds), is authorized and approved; provided that the total principal  
4 amount of Series 2017 Bond proceeds used to finance each Series 2017 Bond  
5 Project and related Expenses shall not exceed the amount for that Series 2017 Bond  
6 Project stated under the caption "Series 2017 Financing" in the Bond Schedule  
7 (excluding costs of that Series 2017 Bond Project to be paid from any source other  
8 than the proceeds of the Series 2017 Bonds). Net premium received after payment  
9 of Expenses shall be deposited in the Interest and Sinking Fund.

10 (B) EXPENSES. Expenses relating to the issuance of the Series 2017  
11 Bonds, to the extent payable from the proceeds of the Series 2017 Bonds, including  
12 net premium, attributable to each Series 2017 Bond Project shall be payable as set  
13 forth in the Bond Ordinance.

14 (C) DESCRIPTION OF SERIES 2017 BOND PROJECTS. Proceeds of  
15 the Series 2017 Bonds shall be used for the following Series 2017 Bond Projects:

16 (1) \$3,815,000 to design, develop, study, construct, modernize,  
17 automate, renovate, rehabilitate, recondition, landscape, furnish, enhance, and  
18 otherwise improve, and to acquire land, buildings, property, vehicles, apparatus,  
19 and equipment for, police and fire department facilities (the "Public Safety Project");

20 (2) \$5,570,000 to plan, design, develop, construct, demolish,  
21 equip, reconstruct, renovate, rehabilitate, expand, repair, study, landscape,  
22 streetscape, enhance and otherwise improve, and to acquire property for, City-  
23 owned community centers including those for families, youth, senior citizens, and for  
24 economic development projects and for infrastructure and/or facility improvements  
25 associated with Metropolitan Redevelopment Area projects and for community  
26 enhancement projects (the "Citizens' Center Project");

27 (3) \$3,060,000 to study, map, plan, design, develop, construct,  
28 rehabilitate, renovate, expand, furnish, equip, enhance and otherwise improve and  
29 to acquire property, vehicles and equipment for park and recreational facilities,  
30 including public parks and facilities within those parks, swimming pools, tennis  
31 courts, sports fields and other recreational facilities, open space, medians, bikeways,

1 bosque lands and trails (the "Parks and Recreation Project");

2 (4) \$5,705,000 to modernize, make energy- and/or water-  
3 efficient, upgrade, equip, improve, acquire, design, survey, develop, construct,  
4 rehabilitate, renovate, maintain, expand, furnish, enhance, and otherwise improve,  
5 and to acquire property, vehicles and equipment for, public buildings, facilities, and  
6 systems (the "Facilities and Equipment Project");

7 (5) \$4,085,000 to acquire property, study, plan, design, develop,  
8 construct, reconstruct, renovate, rehabilitate, modernize, preserve, automate,  
9 upgrade, landscape and otherwise improve, and to acquire books, media, and  
10 equipment for, public libraries (the "Library Project");

11 (6) \$3,675,000 to study, design, develop, construct, reconstruct,  
12 rehabilitate, renovate, automate, modernize, sign, enhance, landscape and  
13 otherwise improve, and to acquire property and equipment for municipal streets and  
14 roads, interstate roadways and interchanges, medians, trails, bikeways, walkways,  
15 sidewalks, railroad crossings, and bridges (the "Street Project");

16 (7) \$217,000 to design, develop, construct, rehabilitate,  
17 renovate, expand, recondition, modernize, automate, study, furnish, enhance and  
18 otherwise improve, and to acquire property, vehicles, and equipment for public  
19 transportation facilities (the "Public Transportation Project");

20 (8) \$7,740,000 to plan, design, develop, construct, reconstruct,  
21 rehabilitate, renovate, expand, extend, enhance, study, monitor and otherwise  
22 improve, and to acquire property and equipment for the storm sewer system (the  
23 "Storm Sewer System Project");

24 (9) \$240,000 to study, design, develop, construct, reconstruct,  
25 rehabilitate, renovate, repair, refurbish, modernize, preserve, maintain, expand,  
26 enhance, landscape and otherwise improve, and to acquire artifacts, animals, plant  
27 material, exhibits, furnishings and equipment for the Zoo, Tingley Beach, Aquarium,  
28 Botanic Garden and/or City-owned museums and cultural facilities (the "Zoo,  
29 Biological Park and Museum Project").

30 SECTION 5. SERIES 2017 BONDS.

1 (A) AWARD AND SALE OF SERIES 2017 BONDS. The Council  
2 hereby waives irregularities and informalities in the bids for the purchase of the  
3 Series 2017A Bonds and the Series 2017B Bonds as permitted by the Series 2017  
4 Bond Notice. The Series 2017A Bonds and the Series 2017B Bonds are sold and  
5 awarded to the Purchaser of the Series 2017A and 2017B Bonds at the purchase  
6 price set forth in the definition of Best Bid – Series 2017A and Series 2017B Bonds.  
7 The Series 2017C Bonds are authorized to be sold to the State of New Mexico at the  
8 price and terms set forth in the Bond Purchase Agreement (2017C).

9 (B) AUTHORIZATION OF THE SERIES 2017 BONDS. For the  
10 purpose of protecting the public health, conserving the property, protecting the  
11 general welfare and prosperity of the residents of the City and constructing and  
12 acquiring the Series 2017 Bond Projects, it is necessary that the City issue, and the  
13 City is authorized to issue, pursuant to the Act, its fully registered Series 2017 Bonds  
14 in an aggregate principal amount of \$34,107,000. The Series 2017 Bonds shall be  
15 issued in three series to be designated as “General Obligation General Purpose  
16 Bonds, Series 2017A,” “General Obligation Storm Sewer Bonds, Series 2017B,” and  
17 “General Obligation Short-Term Bonds, Series 2017C.” The Series 2017 Bonds  
18 shall be dated the respective dates of delivery of the Series 2017 Bonds.

19 No Series 2017 Bonds Authorized at the 2015 Election shall be  
20 issued or sold after June 1, 2018 (three years from the date of the initiation of  
21 proceedings for the 2015 Election, that is, three years after the introduction of City  
22 Resolution Enactment No. R-2015-059 by the City Council on June 1, 2015), except  
23 as permitted by Section 6-15-9, NMSA 1978, as amended from time to time.

24 (C) GENERAL DETAILS OF SERIES 2017 BONDS. Series 2017  
25 Bonds shall be issued as fully registered bonds, with each series numbered from 1  
26 upwards consecutively and with such other prefixes or other distinguishing  
27 designations as the Registrar may determine necessary or appropriate. The Series  
28 2017A Bonds and the Series 2017B Bonds shall be issued in Authorized  
29 Denominations. The Series 2017C Bonds may be issued in any denomination.

30 (D) MATURITIES, PRINCIPAL AMOUNTS AND INTEREST OF  
31 SERIES 2017A BONDS AND SERIES 2017B BONDS. The Series 2017A Bonds

and the Series 2017B Bonds shall bear interest from the most recent date to which interest has been paid or provided for or, if no interest has been paid or provided for, from the date of the Series 2017A Bonds and the Series 2017B Bonds until maturity. Interest on the Series 2017A Bonds and the Series 2017B Bonds will be paid on each Interest Payment Date and computed on the basis of a 360-day year, consisting of twelve, 30-day months. If, at maturity, payment of the principal amount of any Series 2017A Bonds and the Series 2017B Bonds is not made as required by the Bond Ordinance, interest on the unpaid principal amount on that Series 2017A Bonds and the Series 2017B Bonds shall continue to accrue at the interest rate stated or described in that Series 2017A Bonds and the Series 2017B Bonds, until the principal amount of that Series 2017A Bonds and the Series 2017B Bonds is paid in full.

Years	Series 2017A Bonds		Series 2017B Bonds	
	Principal	Interest	Principal	Interest
<u>Maturing</u>	<u>Amount</u>	<u>Rate</u>	<u>Amount</u>	<u>Rate</u>
2017	\$	%	--	--
2018			--	--
2019			--	--
2020			--	--
2021			--	--
2022			--	--
2023			--	--
2024			--	--
2025			--	--
2026			--	--
2027			--	--
2028			\$	%
2029		--		--

(E) MATURITY, PRINCIPAL AMOUNT AND INTEREST OF SERIES 2017C BONDS. The Series 2017C Bonds shall mature on July 1, 2017 in the principal amount of \$\_\_\_\_\_. The Series 2017C Bonds shall bear interest at a

1 rate equal to the one-month London Interbank Offered Rate ("LIBOR") plus five (5)  
2 basis points, as determined by the Director of Finance and Administration in  
3 consultation with the office of the State Treasurer prior to the date of delivery of the  
4 Series 2017C Bonds, provided, however, that in no event shall the net effective  
5 interest rate on the Series 2017C Bonds exceed 10%.

6 (F) BOOK-ENTRY. The Series 2017A Bonds and the Series 2017B  
7 Bonds may be issued, in whole or in part, in book-entry form with no physical  
8 distribution of bond certificates made to the public. A Depository will act as  
9 securities depository for the Series 2017A Bonds and the Series 2017B Bonds. A  
10 single certificate for each maturity date of the Series 2017A Bonds and the Series  
11 2017B Bonds shall be delivered to the Depository and immobilized in its custody.  
12 The book-entry system will evidence ownership of the Series 2017A Bonds and the  
13 Series 2017B Bonds in Authorized Denominations, with transfers of ownership  
14 effected on the books of the Depository and its participants ("Participants"). As a  
15 condition to delivery of the Series 2017A Bonds and the Series 2017B Bonds in  
16 book-entry form, the Purchaser will, immediately after acceptance of delivery  
17 thereof, deposit the Series 2017A Bonds and the Series 2017B Bonds certificates  
18 with the Depository, registered in the name of the Depository or its nominee.  
19 Principal, premium, if any, and interest will be paid to the Depository or its nominee  
20 as the Owner of Series 2017A Bonds and the Series 2017B Bonds in book-entry  
21 form. The transfer of principal and interest payments to Participants will be the  
22 responsibility of the Depository; the transfer of principal and interest payments to the  
23 beneficial owners of the Series 2017A Bonds and the Series 2017B Bonds  
24 ("Beneficial Owners") by Participants will be the responsibility of such Participants  
25 and other nominees of Beneficial Owners maintaining a relationship with Participants  
26 ("Indirect Participants"). Neither the City nor the Paying Agent will be responsible or  
27 liable for maintaining, supervising or reviewing the records maintained by the  
28 Depository, Participants or Indirect Participants.

29 If (i) the Series 2017A Bonds and the Series 2017B Bonds are not  
30 eligible for the services of a Depository, (ii) a Depository determines to discontinue  
31 providing its services with respect to the Series 2017A Bonds and the Series 2017B

1 Bonds, or (iii) the City determines that a continuation of the system of book-entry  
2 transfers through a Depository ceases to be beneficial to the City or the Owners of  
3 the Series 2017A Bonds and the Series 2017B Bonds, the City will either identify  
4 another Depository or bond certificates will be delivered to Beneficial Owners or their  
5 nominees and the Beneficial Owners or their nominees, upon authentication of the  
6 Series 2017A Bonds and the Series 2017B Bonds, and registration of the  
7 Series 2017A Bonds and the Series 2017B Bonds in the Beneficial Owners' or  
8 nominees' names, will become the Owners of the Series 2017A Bonds and the  
9 Series 2017B Bonds for all purposes. In that event, the City shall mail an  
10 appropriate notice to the Depository for notification to Participants, Indirect  
11 Participants and Beneficial Owners of the substitute Depository or the issuance of  
12 Series 2017A Bonds and the Series 2017B Bonds certificates to Beneficial Owners  
13 or their nominees, as applicable.

14 Authorized Officers are authorized to execute and deliver  
15 agreements with Depositories relating to the matters set forth in this Section.

16 SECTION 6. OPTIONAL REDEMPTION OF SERIES 2017A BONDS AND  
17 2017B BONDS; SERIES 2017C BONDS NOT REDEEMABLE. The Series 2017A  
18 Bonds and the Series 2017B Bonds maturing on and after July 1, 2027 are subject  
19 to redemption prior to maturity at the option of the City, in whole or in part at any  
20 time on or after July 1, 2026, at a redemption price of 100% of the principal of the  
21 Series 2017A Bonds or Series 2017B Bonds to be redeemed, plus accrued interest,  
22 if any, to the date of redemption. The Series 2017C Bonds are not subject to  
23 redemption prior to maturity.

24 SECTION 7. APPOINTMENT OF PAYING AGENT AND REGISTRAR;  
25 PAYMENT OF SERIES 2017 BONDS.

26 (A) APPOINTMENT. The City Treasurer is hereby appointed as the  
27 initial Paying Agent and Registrar for the Series 2017 Bonds.

28 (B) TRANSFER OF PAYMENTS TO PAYING AGENT. The City shall  
29 transfer or credit to the Paying Agent amounts sufficient to pay the principal of and  
30 interest on the Series 2017 Bonds on or before the dates on which they become  
31 due.



1 (C) PAYMENT OF SERIES 2017 BONDS. The principal of and  
2 premium, if any, on the Series 2017 Bonds shall be payable upon presentation and  
3 surrender of the Series 2017 Bonds at the principal office of the Paying Agent at or  
4 after their maturity. Interest on Series 2017 Bonds shall be payable by check or  
5 draft mailed to the Owners (or by such other arrangement as may be mutually  
6 agreed to by the Paying Agent and an Owner). An Owner shall be deemed to be  
7 that person or entity shown on the registration books of the Series 2017 Bonds  
8 maintained by the Registrar at the address appearing in the registration books at the  
9 close of business on the applicable Record Date. However, interest which is not  
10 timely paid or provided for shall cease to be payable to the Owners of the Series  
11 2017 Bonds (or of one or more predecessor Series 2017 Bonds) as of the regular  
12 Record Date, but shall be payable to the Owners of the Series 2017 Bonds (or of  
13 one or more predecessor Series 2017 Bonds) at the close of business on a special  
14 record date for the payment of the overdue interest. The special record date shall  
15 be fixed by the Paying Agent and Registrar whenever money becomes available for  
16 payment of the overdue interest and notice of the special record date shall be given  
17 to the Owners of such Series 2017 Bonds not less than ten days prior to that date.  
18 Payment shall be made in the coin or currency of the United States of America that  
19 is at the time of payment legal tender for the payment of public and private debts. If  
20 the principal amount of any Series 2017 Bond presented for payment remains  
21 unpaid at maturity, the unpaid principal shall continue to bear interest at the rate  
22 designated in that Series 2017 Bond. Payments of Series 2017 Bonds shall be  
23 made without deduction for exchange or collection charges.

24 SECTION 8. SALE OF SERIES 2017 BONDS. The Series 2017A Bonds and  
25 the Series 2017B Bonds shall be sold and delivered to the designated Purchaser or  
26 delivered to a Depository for and on behalf of the appropriate Purchaser upon  
27 receipt by the City of the purchase price set forth in the definition of Best Bid and  
28 upon the terms set forth in the Bond Ordinance. The Series 2017C Bonds shall be  
29 sold and delivered to the State of New Mexico upon receipt by the City of the  
30 purchase price set forth in the Bond Purchase Agreement (2017C).

1           SECTION 9. REGISTRATION, TRANSFER, EXCHANGE AND OWNERSHIP  
2           OF SERIES 2017 BONDS.

3           (A)    REGISTRATION, TRANSFER AND EXCHANGE. The City shall  
4           cause books for registration, transfer and exchange of the Series 2017 Bonds to be  
5           kept at the principal office of the Registrar. Upon surrender for transfer or exchange  
6           of any Series 2017 Bonds at the principal office of the Registrar duly endorsed by  
7           the Owner or his attorney duly authorized in writing, or accompanied by a written  
8           instrument or instruments of transfer or exchange in form satisfactory to the  
9           Registrar and properly executed, the City shall execute and the Registrar shall  
10          authenticate and deliver in the name of the transferee or Owner, as appropriate, a  
11          new Series 2017 Bond or Series 2017 Bonds of the same series, maturity, interest  
12          rate and same aggregate principal amount in Authorized Denominations.

13          (B)    OWNER OF SERIES 2017 BONDS. The person in whose name  
14          any Series 2017 Bond is registered shall be deemed and regarded as its absolute  
15          Owner for all purposes, except as may otherwise be provided with respect to the  
16          payment of interest in Section 7(C). Payment of either the principal of or interest on  
17          any Series 2017 Bond shall be made only to or upon the order of its Owner or his  
18          legal representative. All such payments shall be valid and effectual to satisfy and  
19          discharge the liability on Series 2017 Bonds to the extent of the amount paid.

20          (C)    REPLACEMENT SERIES 2017 BONDS. If any Series 2017 Bond  
21          is lost, stolen, destroyed or mutilated, the Registrar shall, upon receipt of that Series  
22          2017 Bond, if mutilated, and the evidence, information or indemnity which the  
23          Registrar and the City may reasonably require, authenticate and deliver a  
24          replacement Series 2017 Bond or Series 2017 Bonds of the same series, aggregate  
25          principal amount, maturity and interest rate, bearing a number or numbers not then  
26          outstanding. If any lost, stolen, destroyed or mutilated Series 2017 Bond has  
27          matured or been called for redemption, the Registrar may direct the Paying Agent to  
28          pay that Series 2017 Bond in lieu of replacement.

29          (D)    CHARGES. Exchanges and transfers of Series 2017 Bonds shall  
30          be made without charge to the Owner or any transferee except that the Registrar

1 may make a charge sufficient to reimburse the Registrar for any tax, fee or other  
2 governmental charge required to be paid with respect to that transfer or exchange.

3 (E) RESTRAINTS ON TRANSFER OR EXCHANGE. The Registrar  
4 shall not be required to transfer or exchange (a) any Series 2017 Bond during the  
5 five-day period preceding the mailing of notice calling Series 2017 Bonds for  
6 redemption and (b) any Series 2017 Bond called for redemption.

7 SECTION 10. NEGOTIABILITY; GENERAL OBLIGATIONS; PAYMENT AND  
8 SECURITY. The Series 2017A Bonds and the Series 2017B Bonds shall be fully  
9 negotiable and have all the qualities of negotiable instruments, and the Owners of  
10 Series 2017A Bonds and the Series 2017B Bonds shall possess all rights enjoyed  
11 by the owners of negotiable instruments under the provisions of the Uniform  
12 Commercial Code—Investment Securities in effect in the State. Series 2017C Bonds  
13 are not negotiable. Outstanding Series 2017 Bonds shall be equally and ratably  
14 secured in all respects, without preference, priority or distinction on account of the  
15 date or dates or the actual time or times of the issuance or maturity of the Series  
16 2017 Bonds. The Series 2017 Bonds constitute the general obligation of the City  
17 payable from general (ad valorem) property taxes levied against all property within  
18 the City subject to taxation, without limitation as to rate or amount, and the full faith  
19 and credit of the City is hereby pledged for their payment.

20 SECTION 11. EXECUTION AND CUSTODY OF SERIES 2017 BONDS.

21 (A) EXECUTION. The Series 2017 Bonds shall be signed and  
22 executed in the name of the City by the manual or facsimile signatures of the Mayor  
23 and the City Clerk and shall be authenticated by the manual signature of, or an  
24 authorized officer of, the Registrar. The corporate seal of the City or a printed,  
25 engraved, stamped or otherwise reproduced facsimile of that corporate seal shall be  
26 placed on each Series 2017 Bond. The Series 2017 Bonds bearing the signatures  
27 of the officers in office at the time of signing shall be the valid and binding obligations  
28 of the City. Notwithstanding that before the delivery and payment of the Series 2017  
29 Bonds any of the persons whose signatures appear on the Series 2017 Bonds, the  
30 Mayor and the City Clerk may each adopt as his or her own facsimile signature the  
31 facsimile signature of his or her predecessor in office, if that facsimile signature

1 appears upon any of the Series 2017 Bonds. No manual or facsimile signature of an  
2 officer of the City or the Registrar shall be required if the Series 2017 Bonds are  
3 issued in book-entry form without the delivery of any physical securities.

4 (B) AUTHENTICATION. The Series 2017 Bonds shall be  
5 authenticated by the manual signature of the Registrar or an authorized officer of the  
6 Registrar. No Series 2017 Bond shall be valid or obligatory for any purpose unless  
7 the certificate of authentication has been duly executed by the Registrar. The  
8 Registrar's certificate of authentication shall be deemed to have been fully executed  
9 if manually signed and inscribed by the Registrar or, if applicable, an authorized  
10 officer of the Registrar but it shall not be necessary that the same officer sign the  
11 certificate of authentication on all of the Series 2017 Bonds issued under the Bond  
12 Ordinance.

13 (C) FILING OF SIGNATURES. Prior to the execution of any Series  
14 2017 Bond pursuant to Sections 6-9-1 to 6-9-6 NMSA 1978, as amended, the Mayor  
15 and City Clerk shall each file with the New Mexico Secretary of State, his or her  
16 manual signature certified by him or her under oath, provided that filing shall not be  
17 necessary for any officer where any previous filing has legal application to the Series  
18 2017 Bonds.

19 (D) CUSTODY. The Registrar shall hold in custody all Series 2017  
20 Bonds signed and attested by the Mayor and City Clerk until ready for delivery to the  
21 Depository, Purchaser, transferee or registered owner.

22 SECTION 12. FORM OF SERIES 2017 BONDS.

23 (A) SERIES 2017A BONDS. The Series 2017A Bonds shall be issued  
24 as fully registered bonds in substantially the following form:

25 [FORM OF SERIES 2017A BONDS]

26 UNITED STATES OF AMERICA

27 STATE OF NEW MEXICO

COUNTY OF BERNALILLO

28 CITY OF ALBUQUERQUE

29 GENERAL OBLIGATION GENERAL PURPOSE BONDS

30 SERIES 2017A

31 Bond No. \_\_\_\_\_

\$\_\_\_\_\_

1 INTEREST RATE MATURITY DATE DATE OF BOND CUSIP  
2 \_\_\_\_\_% per annum \_\_\_\_\_, 2017 \_\_\_\_\_

3 Registered Owner:

4 Principal Amount:

5 The City of Albuquerque (the "City"), in the County of Bernalillo and State of  
6 New Mexico (the "State"), a municipal corporation duly organized and existing under  
7 the Constitution and other laws of the State, for value received, promises to pay the  
8 Principal Amount stated above to the Registered Owner stated above or registered  
9 assigns, on the Maturity Date stated above upon presentation and surrender of this  
10 bond at the principal office of the City Treasurer in Albuquerque, New Mexico or its  
11 successors (referred to in this bond as the "Paying Agent" or "Registrar," as  
12 applicable). The City also promises to pay interest on the unpaid Principal Amount  
13 at the Interest Rate stated above on January 1 and July 1 of each year, commencing  
14 January 1, 2018 until payment of the Principal Amount has been made or provided  
15 for at maturity or the prior redemption date if permitted and called for redemption.  
16 This bond shall bear interest from the most recent date to which interest has been  
17 paid or provided for or if no interest has been paid or provided for from the Date of  
18 Bond stated above until maturity. If, upon presentation of this bond on the Maturity  
19 Date, payment is not made as required by the Bond Ordinance, defined below,  
20 interest on the unpaid Principal Amount of this bond shall continue to accrue at the  
21 Interest Rate until the Principal Amount is paid in full.

22 This bond is one of a duly authorized issue of fully registered bonds of the City in  
23 the aggregate principal amount of \$26,367,000 issued in denominations of \$1,000 or  
24 integral multiples of \$1,000, designated as City of Albuquerque, New Mexico  
25 General Obligation General Purpose Bonds, Series 2017A (the "Bonds") issued  
26 under and pursuant to City Ordinance Twenty-Second Council Bill No. F/S O-\_\_\_\_\_  
27 (the "Bond Ordinance").

28 The Bonds constitute the general obligation of the City payable from property  
29 taxes levied against all property of the City subject to taxation by the City, without  
30 limitation as to rate or amount, and the full faith and credit of the City is irrevocably  
31 pledged for the punctual payment of the principal of and interest on the Bonds.

1 Payment of the principal of this bond shall be made only to or upon the order of  
2 the Registered Owner or his legal representative. Interest on this bond is payable by  
3 check or draft mailed to the Registered Owner or his legal representative (or by such  
4 other arrangement as may be mutually agreed to by the Paying Agent and the  
5 Registered Owner) as shown on the registration books for the Bonds maintained by  
6 the Registrar at the address appearing in the registration books at the close of  
7 business on the twenty-fifth day of the calendar month next preceding the applicable  
8 Interest Payment Date (the "Record Date"). Any interest which is not timely paid or  
9 duly provided for shall cease to be payable to the Registered Owner as of the  
10 Record Date but shall be payable to the Registered Owner as shown on the  
11 registration books at the close of business on a special record date to be fixed by the  
12 Paying Agent and Registrar for the payment of interest. The special record date  
13 shall be fixed whenever money becomes available for payment of the overdue  
14 interest and notice of the special record date shall be given to the owners of the  
15 Bonds as then shown on the Registrar's registration books not less than ten days  
16 prior to the special record date. If, upon presentation at maturity, payment of this  
17 bond is not made as required, all interest shall continue at the Interest Rate until the  
18 Principal Amount is paid in full. The principal of, premium, if any, and interest on this  
19 bond are payable in lawful money of the United States of America, without deduction  
20 for the services of the Paying Agent. All such payments shall be valid and effectual  
21 to satisfy and discharge the liability on this bond to the extent of the sum or sums  
22 paid.

23 The Bonds maturing on and after July 1, 2027 are subject to redemption prior to  
24 their maturity dates at the option of the City, in whole or in part at any time on or  
25 after July 1, 2026, at a redemption price of 100% of the principal of the Bonds to be  
26 redeemed, plus accrued interest, if any, to the date of redemption.

27 The Bonds are issued in book-entry form with no physical distribution of Bond  
28 certificates made to the public and a securities depository is acting as securities  
29 depository for the Bonds.

30 The Bonds are issued by the City, together with the City's \$7,740,000 General  
31 Obligation Storm Sewer Bonds, Series 2017B and \$\_\_\_\_\_ Short-Term

1 General Obligation Bonds, Series 2017C and the net premium paid therefore, upon  
2 its behalf and upon the credit of the City, for the following City purposes:  
3 (1) \$3,815,000 for public safety; (2) \$5,570,000 for citizens' centers; (3) \$3,060,000  
4 for parks and other recreational facilities; (4) \$5,705,000 for facilities and equipment;  
5 (5) \$4,085,000 for public libraries; (6) \$3,675,000 for streets; (7) \$217,000 for public  
6 transportation facilities; (8) \$7,740,000 for storm sewer systems; and (9) \$240,000  
7 for zoo, biological park and museum facilities.

8 Books for the registration and transfer of the Bonds will be kept by the Registrar.  
9 The person in whose name this bond is registered shall be deemed and regarded as  
10 its absolute owner for all purposes, except as may otherwise be provided with  
11 respect to payment of interest as set forth above. Upon surrender for transfer or  
12 exchange of this bond at the principal office of the Registrar duly endorsed by the  
13 Registered Owner or his attorney duly authorized in writing or accompanied by a  
14 written instrument or instruments of transfer or exchange in form satisfactory to the  
15 Registrar and properly executed the City will execute and the Registrar will  
16 authenticate and deliver in the name of the transferee or Registered Owner, as  
17 appropriate, a new Bond or Bonds in fully registered form of the same maturity,  
18 interest rate and aggregate principal amount and authorized denominations.

19 The issuance of the Bonds has been authorized by the electors of the City  
20 qualified to vote and voting at a municipal election of the City held on  
21 October 6, 2015. All of the requirements of law have been complied with by the  
22 proper officers of the City for the issuance of the Bonds. The total indebtedness of  
23 the City, including that of the Bonds, and the indebtedness for each of the projects  
24 described in the Bonds does not exceed any limit of indebtedness prescribed by the  
25 Charter of the City or the Constitution or law of the State. Provision has been made  
26 for the levy and collection of annual taxes which will be sufficient to pay the principal  
27 of, premium, if any, and interest on the Bonds when the same become due.

28 If sufficient funds are deposited with the Paying Agent to pay the principal of any  
29 Bonds becoming due at maturity, together with interest accrued to the due date,  
30 interest on such Bonds will cease to accrue on the due date, and thereafter the  
31 owners will be restricted to the funds deposited as provided in the Bond Ordinance.

1 All conditions, acts and things required to exist, to have happened or to have  
2 been performed precedent to or in the issuance of the Bonds exist, have happened  
3 and have been performed in due time, form and manner, as required by law.

4 IN WITNESS WHEREOF, the City has caused this bond to be signed and  
5 executed on the City's behalf by the manual or facsimile signature of the Mayor and  
6 the manual signature of the City Clerk, has caused the corporate seal of the City to  
7 be placed on this bond, and has caused this bond to be authenticated with the  
8 manual signature of the Treasurer of the City, as Registrar for the bonds, all as of  
9 the Date of Bond stated above.

10 CITY OF ALBUQUERQUE, NEW MEXICO

11 By \_\_\_\_\_  
12 Mayor

13 (SEAL)

14 ATTEST:

15 By \_\_\_\_\_  
16 City Clerk

17 CERTIFICATE OF AUTHENTICATION

18 This is one of the City of Albuquerque, New Mexico General Obligation General  
19 Purpose Bonds, Series 2017A, described above and in the Bond Ordinance, and  
20 this bond has been registered on the registration books of the City by the  
21 undersigned as Registrar for the Bonds.

22 Date of Authentication: \_\_\_\_\_, 2017

23 By \_\_\_\_\_

24 As Registrar

25 FOR VALUE RECEIVED \_\_\_\_\_ hereby sells,  
26 assigns and transfers this bond to \_\_\_\_\_  
27 (please print or type name and address of assignee), whose social security or other  
28 identification number is \_\_\_\_\_, and irrevocably appoints  
29 \_\_\_\_\_, as attorney, to transfer this bond on the  
30 registration books of the City, with power of substitution of revocation.

31 DATE: \_\_\_\_\_



1  
2 NOTICE: The signature on this assignment must correspond with the name as it  
3 appears on the face of this bond in every particular, without alteration or  
4 enlargement or any change whatsoever.

5 [END OF FORM OF SERIES 2017A BONDS]

6 (B) SERIES 2017B BONDS. The Series 2017B Bonds shall be issued  
7 as fully registered bonds in substantially the following form:

8 [FORM OF SERIES 2017B BONDS]

9 UNITED STATES OF AMERICA

10 STATE OF NEW MEXICO COUNTY OF BERNALILLO

11 CITY OF ALBUQUERQUE

12 GENERAL OBLIGATION STORM SEWER BONDS

13 SERIES 2017B

14 Bond No. \_\_\_\_\_ \$ \_\_\_\_\_

15 INTEREST RATE MATURITY DATE DATE OF BOND CUSIP  
16 \_\_\_\_% per annum July 1, 20\_\_\_\_, 2017 \_\_\_\_\_

17 Registered Owner:

18 Principal Amount:

19 The City of Albuquerque (the "City"), in the County of Bernalillo and State of  
20 New Mexico (the "State"), a municipal corporation duly organized and existing under  
21 the Constitution and other laws of the State, for value received, promises to pay the  
22 Principal Amount stated above to the Registered Owner stated above or registered  
23 assigns, on the Maturity Date stated above upon presentation and surrender of this  
24 bond at the principal office of the City Treasurer in Albuquerque, New Mexico or its  
25 successors (referred to in this bond as the "Paying Agent" or "Registrar," as  
26 applicable). The City also promises to pay interest on the unpaid Principal Amount  
27 at the Interest Rate stated above on January 1 and July 1 of each year (each an  
28 "Interest Payment Date") beginning January 1, 2018 until payment of the Principal  
29 Amount has been made or provided for at maturity or the prior redemption date if  
30 permitted and called for redemption. This bond shall bear interest from the most  
31 recent date to which interest has been paid or provided for or if no interest has been

1 paid or provided for from the Date of Bond stated above until maturity. If, upon  
2 presentation of this bond on the Maturity Date, payment is not made as required by  
3 the Bond Ordinance, defined below, interest on the unpaid Principal Amount of this  
4 bond shall continue to accrue at the Interest Rate until the Principal Amount is paid  
5 in full.

6 This bond is one of a duly authorized issue of fully registered bonds of the City in  
7 the aggregate principal amount of \$7,740,000 issued in denominations of \$1,000 or  
8 integral multiples of \$1,000, designated as City of Albuquerque, New Mexico  
9 General Obligation Storm Sewer Bonds, Series 2017B (the "Bonds") issued under  
10 and pursuant to City Ordinance Twenty-Second Council Bill No. F/S O-\_\_\_\_\_ (the  
11 "Bond Ordinance").

12 The Bonds constitute the general obligation of the City payable from property  
13 taxes levied against all property of the City subject to taxation by the City, without  
14 limitation as to rate or amount, and the full faith and credit of the City is irrevocably  
15 pledged for the punctual payment of the principal of and interest on the Bonds.

16 Payment of the principal of this bond shall be made only to or upon the order of  
17 the Registered Owner or his legal representative. Interest on this bond is payable by  
18 check or draft mailed to the Registered Owner or his legal representative (or by such  
19 other arrangement as may be mutually agreed to by the Paying Agent and the  
20 Registered Owner) as shown on the registration books for the Bonds maintained by  
21 the Registrar at the address appearing in the registration books at the close of  
22 business on the twenty-fifth day of the calendar month next preceding the applicable  
23 Interest Payment Date (the "Record Date"). Any interest which is not timely paid or  
24 duly provided for shall cease to be payable to the Registered Owner as of the  
25 Record Date but shall be payable to the Registered Owner as shown on the  
26 registration books at the close of business on a special record date to be fixed by the  
27 Paying Agent and Registrar for the payment of interest. The special record date  
28 shall be fixed whenever money becomes available for payment of the overdue  
29 interest and notice of the special record date shall be given to the owners of the  
30 Bonds as then shown on the Registrar's registration books not less than ten days  
31 prior to the special record date. If, upon presentation at maturity, payment of this

1 bond is not made as required, all interest shall continue at the Interest Rate until the  
2 Principal Amount is paid in full. The principal of, premium, if any, and interest on this  
3 bond are payable in lawful money of the United States of America, without deduction  
4 for the services of the Paying Agent. All such payments shall be valid and effectual  
5 to satisfy and discharge the liability on this bond to the extent of the sum or sums  
6 paid.

7 The Bonds maturing on and after July 1, 2027 are subject to redemption prior to  
8 their maturity dates at the option of the City, in whole or in part at any time on or  
9 after July 1, 2026, at a redemption price of 100% of the principal of the Bonds to be  
10 redeemed, plus accrued interest, if any, to the date of redemption.

11 The Bonds are issued in book-entry form with no physical distribution of Bond  
12 certificates made to the public and a securities depository is acting as securities  
13 depository for the Bonds.

14 The Bonds are issued by the City, together with its \$26,367,000 General  
15 Obligation General Purpose Bonds, Series 2017A and its \$\_\_\_\_\_ Short-Term  
16 General Obligation Bonds, Series 2017C and the net premium paid therefore, upon  
17 its behalf and upon the credit of the City, for the following City purposes:  
18 (1) \$3,815,000 for public safety; (2) \$5,570,000 for citizens' centers; (3) \$3,060,000  
19 for parks and other recreational facilities; (4) \$5,705,000 for facilities and equipment;  
20 (5) \$4,085,000 for public libraries; (6) \$3,675,000 for streets; (7) \$217,000 for public  
21 transportation facilities; (8) \$7,740,000 for storm sewer systems; and (9) \$240,000  
22 for zoo, biological park and museum facilities.

23 Books for the registration and transfer of the Bonds will be kept by the Registrar.  
24 The person in whose name this bond is registered shall be deemed and regarded as  
25 its absolute owner for all purposes, except as may otherwise be provided with  
26 respect to payment of interest as set forth above. Upon surrender for transfer or  
27 exchange of this bond at the principal office of the Registrar duly endorsed by the  
28 Registered Owner or his attorney duly authorized in writing or accompanied by a  
29 written instrument or instruments of transfer or exchange in form satisfactory to the  
30 Registrar and properly executed the City will execute and the Registrar will  
31 authenticate and deliver in the name of the transferee or Registered Owner, as

1 appropriate, a new Bond or Bonds in fully registered form of the same maturity,  
2 interest rate and aggregate principal amount and authorized denominations.

3 The issuance of the Series 2017B Bonds has been authorized by the electors of  
4 the City qualified to vote and voting at the municipal election of the City held on  
5 October 6, 2015. All of the requirements of law have been complied with by the  
6 proper officers of the City for the issuance of the Bonds. The total indebtedness of  
7 the City, including that of the Bonds, and the indebtedness for each of the projects  
8 described in the Bonds does not exceed any limit of indebtedness prescribed by the  
9 Charter of the City or the Constitution or law of the State. Provision has been made  
10 for the levy and collection of annual taxes which will be sufficient to pay the principal  
11 of, premium, if any, and interest on the Bonds when the same become due.

12 If sufficient funds are deposited with the Paying Agent to pay the principal of any  
13 Bonds becoming due at maturity, together with interest accrued to the due date,  
14 interest on such Bonds will cease to accrue on the due date, and thereafter the  
15 owners will be restricted to the funds deposited as provided in the Bond Ordinance.

16 All conditions, acts and things required to exist, to have happened or to have  
17 been performed precedent to or in the issuance of the Bonds exist, have happened  
18 and have been performed in due time, form and manner, as required by law.

19 IN WITNESS WHEREOF, the City has caused this bond to be signed and  
20 executed on the City's behalf by the manual or facsimile signature of the Mayor and  
21 the manual signature of the City Clerk, has caused the corporate seal of the City to  
22 be placed on this bond, and has caused this bond to be authenticated with the  
23 manual signature of the Treasurer of the City, as Registrar for the bonds, all as of  
24 the Date of Bond stated above.

25 CITY OF ALBUQUERQUE, NEW MEXICO

26 By \_\_\_\_\_

27 Mayor

28 (SEAL)

29 ATTEST:

30 By \_\_\_\_\_

31 City Clerk

CERTIFICATE OF AUTHENTICATION

This is one of the City of Albuquerque, New Mexico General Obligation Storm Sewer Bonds, Series 2017B described above and in the Bond Ordinance and this bond has been registered on the registration books of the City by the undersigned as Registrar for the Bonds.

Date of Authentication: \_\_\_\_\_, 2017

By \_\_\_\_\_

As Registrar

FOR VALUE RECEIVED \_\_\_\_\_ hereby sells, assigns and transfers this bond to \_\_\_\_\_ (please print or type name and address of assignee), whose social security or other identification number is \_\_\_\_\_, and irrevocably appoints \_\_\_\_\_, as attorney, to transfer this bond on the registration books of the City, with power of substitution of revocation.

DATE: \_\_\_\_\_

NOTICE: The signature on this assignment must correspond with the name as it appears on the face of this bond in every particular, without alteration or enlargement or any change whatsoever.

[END OF FORM OF SERIES 2017B BONDS]

(C) SERIES 2017C BONDS. The Series 2017C Bonds shall be issued as fully registered bonds in substantially the following form:

[FORM OF SERIES 2017C BONDS]

UNITED STATES OF AMERICA

STATE OF NEW MEXICO COUNTY OF BERNALILLO

CITY OF ALBUQUERQUE

SHORT-TERM GENERAL OBLIGATION BONDS

SERIES 2017C

Bond No. R-1 \$

INTEREST RATE MATURITY DATE DATE OF BOND

1            \_\_\_\_% per annum            July 1, 2017            June 30, 2017

2    Registered Owner: STATE OF NEW MEXICO

3    Principal Amount:

4            The City of Albuquerque (the "City"), in the County of Bernalillo and State of  
5    New Mexico (the "State"), a municipal corporation duly organized and existing under  
6    the Constitution and other laws of the State, for value received, promises to pay the  
7    Principal Amount stated above to the Registered Owner stated above or registered  
8    assigns, on the Maturity Date stated above upon presentation and surrender of this  
9    bond at the principal office of the City Treasurer in Albuquerque, New Mexico or its  
10   successors (referred to in this bond as the "Paying Agent" or "Registrar," as  
11   applicable). The City also promises to pay interest on the unpaid Principal Amount  
12   at the Interest Rate stated above on the Maturity Date. This bond shall bear interest  
13   from the most recent date to which interest has been paid or provided for or if no  
14   interest has been paid or provided for from the Date of Bond stated above until  
15   maturity. If, upon presentation of this bond on the Maturity Date, payment is not  
16   made as required by the Bond Ordinance, defined below, interest on the unpaid  
17   Principal Amount of this bond shall continue to accrue at the Interest Rate until the  
18   Principal Amount is paid in full.

19           This bond is one of a duly authorized issue of fully registered bonds of the City in  
20   the aggregate principal amount of \$\_\_\_\_\_, designated as City of Albuquerque,  
21   New Mexico General Obligation Short-Term Bonds, Series 2017C (the "Bonds")  
22   issued under and pursuant to City Ordinance Twenty-Second Council Bill No. F/S O-  
23   \_\_\_\_\_ (the "Bond Ordinance").

24           The Bonds constitute the general obligation of the City payable from property  
25   taxes levied against all property of the City subject to taxation by the City, without  
26   limitation as to rate or amount, and the full faith and credit of the City is irrevocably  
27   pledged for the punctual payment of the principal of and interest on the Bonds.

28           Payment of the principal of this bond shall be made only to or upon the order of  
29   the Registered Owner or his legal representative. Interest on this bond is payable by  
30   check or draft mailed to the Registered Owner or his legal representative (or by such  
31   other arrangement as may be mutually agreed to by the Paying Agent and the

1 Registered Owner) as shown on the registration books for the Bonds maintained by  
2 the Registrar at the address appearing in the registration books at the close of  
3 business on the twenty-fifth day of the calendar month next preceding the applicable  
4 Interest Payment Date (the "Record Date"). Any interest which is not timely paid or  
5 duly provided for shall cease to be payable to the Registered Owner as of the  
6 Record Date but shall be payable to the Registered Owner as shown on the  
7 registration books at the close of business on a special record date to be fixed by the  
8 Paying Agent and Registrar for the payment of interest. The special record date  
9 shall be fixed whenever money becomes available for payment of the overdue  
10 interest and notice of the special record date shall be given to the owners of the  
11 Bonds as then shown on the Registrar's registration books not less than ten days  
12 prior to the special record date. If, upon presentation at maturity, payment of this  
13 bond is not made as required, all interest shall continue at the Interest Rate until the  
14 Principal Amount is paid in full. The principal of, premium, if any, and interest on this  
15 bond are payable in lawful money of the United States of America, without deduction  
16 for the services of the Paying Agent. All such payments shall be valid and effectual  
17 to satisfy and discharge the liability on this bond to the extent of the sum or sums  
18 paid.

19 The Bonds are not subject to redemption prior to maturity.

20 The Bonds are issued by the City, together with its \$26,367,000 General  
21 Obligation General Purpose Bonds and its Series 2017A, and its \$7,740,000  
22 General Obligation Storm Sewer Bonds, Series 2017B, upon its behalf and upon the  
23 credit of the City, in the following amounts for the following City purposes:  
24 (1) \$3,815,000 for public safety; (2) \$5,570,000 for citizens' centers; (3) \$3,060,000  
25 for parks and other recreational facilities; (4) \$5,705,000 for facilities and equipment;  
26 (5) \$4,085,000 for public libraries; (6) \$3,675,000 for streets; (7) \$217,000 for public  
27 transportation facilities; (8) \$7,740,000 for storm sewer systems; and (9) \$240,000  
28 for zoo, biological park and museum facilities.

29 Books for the registration and transfer of the Bonds will be kept by the Registrar.  
30 The person in whose name this bond is registered shall be deemed and regarded as  
31 its absolute owner for all purposes, except as may otherwise be provided with

1 respect to payment of interest as set forth above. Upon surrender for transfer or  
2 exchange of this bond at the principal office of the Registrar duly endorsed by the  
3 Registered Owner or his attorney duly authorized in writing or accompanied by a  
4 written instrument or instruments of transfer or exchange in form satisfactory to the  
5 Registrar and properly executed the City will execute and the Registrar will  
6 authenticate and deliver in the name of the transferee or Registered Owner, as  
7 appropriate, a new Bond or Bonds in fully registered form of the same maturity,  
8 interest rate and aggregate principal amount and authorized denominations.

9 The issuance of the Series 2017C Bonds has been authorized by the electors of  
10 the City qualified to vote and voting at the municipal election of the City held on  
11 October 6, 2015. All of the requirements of law have been complied with by the  
12 proper officers of the City for the issuance of the Bonds. The total indebtedness of  
13 the City, including that of the Bonds, and the indebtedness for each of the projects  
14 described in the Bonds does not exceed any limit of indebtedness prescribed by the  
15 Charter of the City or the Constitution or law of the State. Provision has been made  
16 for the levy and collection of annual taxes which will be sufficient to pay the principal  
17 of, premium, if any, and interest on the Bonds when the same become due.

18 If sufficient funds are deposited with the Paying Agent to pay the principal of any  
19 Bonds becoming due at maturity, together with interest accrued to the due date,  
20 interest on such Bonds will cease to accrue on the due date, and thereafter the  
21 owners will be restricted to the funds deposited as provided in the Bond Ordinance.

22 All conditions, acts and things required to exist, to have happened or to have  
23 been performed precedent to or in the issuance of the Bonds exist, have happened  
24 and have been performed in due time, form and manner, as required by law.

25 IN WITNESS WHEREOF, the City has caused this bond to be signed and  
26 executed on the City's behalf by the manual or facsimile signature of the Mayor and  
27 the manual signature of the City Clerk, has caused the corporate seal of the City to  
28 be placed on this bond, and has caused this bond to be authenticated with the  
29 manual signature of the Treasurer of the City, as Authenticating Agent for the bonds,  
30 all as of the Date of Bond stated above.

31 CITY OF ALBUQUERQUE, NEW MEXICO



By \_\_\_\_\_  
Mayor

(SEAL)

ATTEST:

By \_\_\_\_\_  
City Clerk

### CERTIFICATE OF AUTHENTICATION

This is one of the City of Albuquerque, New Mexico General Obligation Short-Term Bonds, Series 2017C, described above and in the Bond Ordinance, and this bond has been registered on the registration books of the City by the undersigned as Authenticating Agent for the Bonds.

Date of Authentication: \_\_\_\_\_, 2017

By \_\_\_\_\_  
As Authenticating Agent

FOR VALUE RECEIVED \_\_\_\_\_ hereby sells, assigns and transfers this bond to \_\_\_\_\_ (please print or type name and address of assignee), whose social security or other identification number is \_\_\_\_\_, and irrevocably appoints \_\_\_\_\_, as attorney, to transfer this bond on the registration books of the City, with power of substitution of revocation.

DATE: \_\_\_\_\_

NOTICE: The signature on this assignment must correspond with the name as it appears on the face of this bond in every particular, without alteration or enlargement or any change whatsoever.

[END OF FORM OF SERIES 2017C BONDS]

SECTION 13. DELIVERY OF SERIES 2017 BONDS. When the Series 2017 Bonds have been properly executed and authenticated, an Authorized Officer shall deliver the Series 2017A Bonds and the Series 2017B Bonds to the Purchaser or the Depository on behalf of the appropriate Purchaser on receipt by the City of the agreed purchase price set forth in the definition of Best Bid in the Bond Ordinance.

1 An Authorized Officer shall deliver the Series 2017C Bonds to the State Treasurer  
2 on or about June 30, 2017 upon receipt by the City of the agreed purchase price.

3 SECTION 14. DISPOSITION AND USE OF SERIES 2017 BOND PROCEEDS;  
4 APPROPRIATIONS. The proceeds of the Series 2017 Bonds shall be used only for  
5 the Series 2017 Bond Projects and related Expenses in the amounts stated in the  
6 Bond Schedule under Series 2017 Financing. The Purchasers of Series 2017  
7 Bonds shall not be responsible for the application by the City or by any of its officers  
8 of any of the proceeds of the Series 2017 Bonds. The City shall account for the  
9 proceeds of the Series 2017 Bonds as follows:

10 (A) PREMIUM. The premium of \$\_\_\_\_\_ paid for the purchase of  
11 the Series 2017A Bonds shall be credited to a separate book account and used, and  
12 is hereby appropriated, to pay Expenses of the Series 2017A Bonds, with any  
13 excess premium deposited in the Interest and Sinking Fund. The net premium of  
14 \$\_\_\_\_\_ paid for the purchase of the Series 2017B Bonds shall be credited to a  
15 separate book account and used, and is hereby appropriated, to pay Expenses of  
16 the Series 2017B Bonds, with any excess premium deposited in the Interest and  
17 Sinking Fund. No premium will be payable for the Series 2017C Bonds.

18 (B) USE OF PROCEEDS OF SERIES 2017 BONDS. The following  
19 amounts shall be credited to separate book accounts for each Series 2017 Bond  
20 Project financed with the proceeds of Series 2017 Bonds. The amounts on deposit  
21 in each account shall be maintained by the City and used for the payment, in whole  
22 or in part, of the costs of the Series 2017 Bond Projects and the payment of  
23 Expenses as set forth in Section 14(C):

24 (1) the amount of \$3,815,000 shall be credited, and is hereby  
25 appropriated, for the payment of the Public Safety Project;

26 (2) the amount of \$5,570,000 shall be credited and is hereby  
27 appropriated for the payment of the Citizens' Center Project;

28 (3) the amount of \$3,060,000 shall be credited, and is hereby  
29 appropriated, for the payment of the Parks and Recreation Project;

30 (4) the amount of \$5,705,000 shall be credited, and is hereby  
31 appropriated, for the payment of the Facilities and Equipment Project;

1 (5) the amount of \$4,085,000 shall be credited, and is hereby  
2 appropriated, for the payment of the Library Project;

3 (6) the amount of \$217,000 shall be credited, and is hereby  
4 appropriated, for the payment of the Public Transportation Project;

5 (7) the amount of \$7,740,000 from proceeds of the Series  
6 2017B Bonds shall be credited, and is hereby appropriated, for the payment of the  
7 Storm Sewer System Project;

8 (8) the amount of \$3,675,000 shall be credited, and is hereby  
9 appropriated, for the payment of the Streets Project; and

10 (9) the amount of \$240,000 shall be credited, and is hereby  
11 appropriated, for the payment of the Zoo, Biological Park and Museum Project.

12 (C) EXPENSES.

13 (1) The amount of \$\_\_\_\_\_ from Series 2017A Bond  
14 proceeds, including the net premium paid therefore, is hereby appropriated for the  
15 payment of Expenses relating to the issuance of the Series 2017A Bonds. Any part  
16 of that amount, other than net premium, which is not necessary to pay such  
17 Expenses, shall be used for the respective Series 2017A Bonds Projects listed in  
18 Section 4(C).

19 (2) The amount of \$\_\_\_\_\_ from Series 2017B Bond  
20 proceeds, including the net premium paid therefore, is hereby appropriated for the  
21 payment of Expenses relating to the issuance of the Series 2017B Bonds. Any part  
22 of that amount, other than net premium, which is not necessary to pay such  
23 Expenses, shall be used for the respective Series 2017B Bonds Projects listed in  
24 Section 4(C).

25 (3) The amount of \$0 from Series 2017C Bond proceeds is  
26 hereby appropriated for the payment of Expenses relating to the issuance of the  
27 Series 2017C Bonds.

28 SECTION 15. APPROVAL OF DOCUMENTS.

29 (A) COUNCIL APPROVAL. The Preliminary Official Statement and the  
30 forms of the Official Statement, Continuing Disclosure Undertaking and Bond  
31 Purchase Agreement (2017C) have been on deposit with the City Clerk and

1 presented to the Council for approval. The form, terms and provisions of the  
2 Preliminary Official Statement, the Official Statement, the Continuing Disclosure  
3 Undertaking, and the Bond Purchase Agreement (2017C) are hereby ratified,  
4 approved and confirmed. The Mayor or other Authorized Officer is hereby  
5 authorized to execute the Official Statement, the Continuing Disclosure Undertaking,  
6 and the Bond Purchase Agreement.

7 (B) FURTHER ACTS. From and after the adoption of the Bond  
8 Ordinance, the officers, agents and employees of the City are authorized,  
9 empowered and directed to do all such acts and things and to execute all such  
10 documents as may be necessary to carry out and comply with the provisions of the  
11 Bond Ordinance.

#### 12 SECTION 16. DISCLOSURE MATTERS.

13 (A) DISTRIBUTION AND USE. The use and distribution of the  
14 Preliminary Official Statement for the sale of the Series 2017A Bonds and the Series  
15 2017B Bonds are ratified, approved and confirmed. The use and distribution of the  
16 Official Statement for the sale of the Series 2017A Bonds and the Series 2017B  
17 Bonds are hereby approved.

18 (B) OFFICIAL STATEMENT; MATERIAL CHANGE. The City shall  
19 provide to the Purchaser of the Series 2017A Bonds and the Series 2017B Bonds,  
20 within seven Business Days after the date of the adoption of the Bond Ordinance  
21 and in sufficient time to accompany any confirmation that requires payment from any  
22 customer, copies of the Official Statement in sufficient quantities to enable the  
23 original Purchaser to comply with Rule 15c2-12 under the Securities and Exchange  
24 Act of 1934, as amended (the "Rule"), and the rules of the Municipal Securities  
25 Rulemaking Board. The City shall notify the Purchaser of the Series 2017A Bonds  
26 and the Series 2017B Bonds promptly of any material change in the affairs or  
27 financial conditions of the City which may occur prior to the date on which the Series  
28 2017A Bonds and the Series 2017B Bonds are initially issued and delivered. The  
29 City further agrees to notify the Purchaser of any material development impacting  
30 the Series 2017A Bonds and the Series 2017B Bonds, or the availability of funds of  
31 the City for the payment of the Series 2017A Bonds and the Series 2017B Bonds,

1 which the City becomes aware between the date of the adoption of the Bond  
2 Ordinance and a date which is twenty-five (25) days after the end of the underwriting  
3 period for purposes of the Rule, which date shall be deemed to be the date on which  
4 the Series 2017A Bonds and the Series 2017B Bonds, are initially issued and  
5 delivered. Upon such notification, if, in the opinion of the City or the Purchaser, a  
6 change would be required in the Official Statement in order to make the statements  
7 therein true and not misleading or incomplete in any material respect, then the  
8 Official Statement as so amended or supplemented will be prepared and furnished  
9 to the Purchaser, at the expense of the City, in reasonable quantities for distribution.

10 (C) CONTINUING DISCLOSURE. The City will execute, deliver and  
11 comply with the Continuing Disclosure Undertaking for the benefit of the Purchaser.

12 SECTION 17. FUNDS AND ACCOUNTS. Funds and accounts relating to the  
13 Series 2017 Bonds, the Series 2017 Bond proceeds and the payments of the Series  
14 2017 Bonds shall be established by an Authorized Officer to be controlled and  
15 maintained by the City or its designee.

16 SECTION 18. TAX LEVIES. In order to pay the principal of and interest on the  
17 Series 2017 Bonds as they become due and, at the option of the City, to reimburse  
18 the general fund or other funds for the payment of principal of or interest on Series  
19 2017 Bonds for which property taxes were not available, there shall be an annual  
20 assessment and levy upon all of the taxable property of the City subject to taxation  
21 which provides an amount sufficient to pay the principal of (including, without  
22 limitation, any mandatory sinking fund payments) and the interest on the Series  
23 2017 Bonds as they become due and payable. However, the City may, at its option,  
24 apply any other funds lawfully available for the purpose to the payment of principal of  
25 or interest on the Series 2017 Bonds as they become due and the levies required by  
26 this Section may be reduced to the extent other revenues are or will be available and  
27 used for payment of the Series 2017 Bonds. To the extent property taxes are not  
28 available for that purpose, the principal of and interest accruing on Series 2017  
29 Bonds shall be paid from the City's general fund or from any other fund lawfully  
30 available for that purpose. The taxes shall be assessed, levied and collected  
31 annually at the time and in the manner as other City taxes are assessed, levied and

1 collected. Annually, the Council shall take all reasonable action to insure the levy  
2 and collection of taxes by the governmental authority charged with legal  
3 responsibility to levy and collect taxes in amount sufficient at the time to pay the  
4 principal of and interest on the Series 2017 Bonds. The money produced by the levy  
5 of taxes provided in this Section to pay the principal of and interest on the Series  
6 2017 Bonds is appropriated for that purpose and that amount shall be included in the  
7 annual budget and the appropriation bills adopted and passed by the Council each  
8 year. The taxes collected shall be maintained in an Interest and Sinking Fund,  
9 which is hereby created, and kept for and applied only to the payment of the  
10 principal of and interest on the Series 2017 Bonds when due and as otherwise  
11 required or permitted by law.

12 SECTION 19. GENERAL ADMINISTRATION OF FUNDS. The funds and  
13 accounts established pursuant to the Bond Ordinance shall be administered as  
14 follows:

15 (A) INVESTMENT OF MONEY. To the extent practicable, any money  
16 in any such fund or account shall be invested in Permitted Investments within any  
17 limitations imposed by the Bond Ordinance. Obligations purchased as an  
18 investment of money in any fund or account shall be deemed at all times to be part  
19 of that fund or account, and the interest accruing and any profit realized on those  
20 investments shall be credited to that fund or account, unless otherwise stated in the  
21 Bond Ordinance (subject to withdrawal at any time for the uses directed and  
22 permitted for such money by the Bond Ordinance), and any loss resulting from such  
23 investment shall be charged to that fund or account. The City Treasurer shall  
24 present for redemption or sale on the prevailing market any Permitted Investment in  
25 a fund or account when necessary to provide money to meet a required payment or  
26 transfer from that fund or account.

27 (B) DEPOSITS OF FUNDS. The money and investments which are  
28 part of the funds and accounts designated in the Bond Ordinance shall be  
29 maintained and kept in an Insured Bank or Banks as permitted by New Mexico law.  
30 Each payment shall be made into and credited to the proper fund or account at the  
31 designated time, except that when the designated time is not a Business Day, then

1 the payment shall be made on the next succeeding Business Day unless otherwise  
2 required in the Bond Ordinance. The City may establish one or more accounts in  
3 Insured Banks, for all of the funds and accounts or combine such funds and  
4 accounts with any other Insured Bank account or accounts for other funds and  
5 accounts of the City.

6 SECTION 20. PROTECTIVE COVENANTS. The City covenants and agrees  
7 with the Owners:

8 (A) USE OF SERIES 2017 BOND PROCEEDS. When issued, the City  
9 will proceed without unreasonable delay to use the proceeds of the Series 2017  
10 Bonds for the acquisition and construction of the respective Series 2017 Bond  
11 Projects for which the Series 2017 Bonds are issued in the amounts stated in the  
12 Bond Ordinance.

13 (B) PAYMENTS. The City will pay the principal of and the interest on  
14 every Series 2017 Bond at the place, on the date and in the manner specified in the  
15 Bond Ordinance and the Series 2017 Bonds.

16 (C) CITY'S EXISTENCE. The City will maintain its corporate identity  
17 and existence so long as any of the Series 2017 Bonds remain outstanding, unless  
18 another political subdivision by operation of law succeeds to the liabilities and rights  
19 of the City, without adversely affecting to any substantial degree the privileges and  
20 rights of any Owner. The City may annex and de-annex land.

21 SECTION 21. SERIES 2017 BONDS NOT PRESENTED WHEN DUE. If any  
22 Series 2017 Bonds are not duly presented for payment when due at maturity, and if  
23 money sufficient to pay those Series 2017 Bonds is on deposit with the Paying  
24 Agent for the benefit of the Owners of those Series 2017 Bonds, all liability of the  
25 City to those Owners for the payment of the Series 2017 Bonds shall be completely  
26 discharged, those Series 2017 Bonds shall not be deemed to be Outstanding and it  
27 shall be the duty of the Paying Agent to segregate and to hold the money received  
28 for payment in trust, without liability for interest to the Owners, for the benefit of  
29 those Owners.

30 SECTION 22. DELEGATED POWERS. The Authorized Officers of the City are  
31 authorized and directed to take all action from time to time which is necessary or

1 appropriate to effectuate the provisions of the Bond Ordinance, including, without  
2 limitation, the delivery of a "deemed final" certificate relating to the Preliminary  
3 Official Statement, the publication of a notice of adoption of the Bond Ordinance, the  
4 distribution of material relating to Series 2017 Bonds, the printing of Series 2017  
5 Bonds, certificates pertaining to the Series 2017 Bonds and the delivery of and  
6 security for the Series 2017 Bonds as may be reasonably required by the Purchaser.

7 The Director of the Department of Finance and Administrative Services of the  
8 City, or his successor in interest, is hereby authorized and directed to make such  
9 changes or corrections to the procedures established in the Bond Ordinance relating  
10 to the times of day or the days on which actions are required to be taken, or the  
11 persons responsible for particular actions, the form of notice of the occurrence of  
12 events, the types and forms of actions required and other administrative matters  
13 which, in his judgment, are necessary and appropriate to accomplish the purposes  
14 of the Bond Ordinance and to provide for the efficient administration of the Series  
15 2017 Bonds program. Notice of any such changes or corrections shall be given to  
16 all persons affected thereby and to Bond Counsel for the City and a certificate of  
17 such changes and corrections shall be filed with the City Clerk.

18 SECTION 23. AMENDMENT OF BOND ORDINANCE.

19 (A) LIMITATIONS UPON AMENDMENTS. The Bond Ordinance may  
20 be amended by resolution or ordinance of the Council without the consent of  
21 Owners:

22 (1) To cure any ambiguity, or to cure, correct or supplement any  
23 defect or inconsistent provision contained in the Bond Ordinance;

24 (2) To grant to the Owners any additional rights, remedies,  
25 powers or authority that may lawfully be granted to them;

26 (3) To obtain or maintain a rating on Series 2017 Bonds from  
27 any rating agency which amendment, in the judgment of Bond Counsel, does not  
28 materially adversely affect the Owners;

29 (4) To achieve compliance with federal securities or tax laws;  
30 and

31 (5) To make any other changes in the Bond Ordinance which, in



1 the opinion of Bond Counsel, are not materially adverse to the Owners.

2 (B) ADDITIONAL AMENDMENTS. Except as provided above, the  
3 Bond Ordinance may only be amended or supplemented by ordinance adopted by  
4 the Council in accordance with the laws of the State, without receipt by the City of  
5 any additional consideration, but with the written consent of the Owners of a majority  
6 of the principal amount of the Series 2017 Bonds affected by such amendment or  
7 supplement then Outstanding (not including Series 2017 Bonds which are then  
8 owned by or for the account of the City); provided, however, that no such ordinance  
9 shall have the effect of permitting:

10 (1) An extension of the maturity of any Series 2017 Bond; or

11 (2) A reduction in the principal amount of or interest rate on any  
12 Series 2017 Bond; or

13 (3) A reduction of the principal amount of Series 2017 Bonds  
14 required for consent to such amendment or supplement.

15 (C) PROOF OF INSTRUMENTS. The fact and date of the execution of  
16 any instrument under the provisions of this Section may be proved by the certificate  
17 of any officer in any jurisdiction who by the laws of that jurisdiction is authorized to  
18 take acknowledgments of deeds within that jurisdiction that the person signing the  
19 instrument acknowledged before him the execution of that instrument, or may be  
20 proved by an affidavit of a witness to the execution sworn to before such officer.

21 (D) PROOF OF SERIES 2017 BONDS. The principal amount and  
22 numbers of Series 2017 Bonds owned by any person executing such instrument and  
23 the date of holding that instrument may be proved by a certificate executed by a  
24 responsible bank or trust company showing that on the date mentioned that person  
25 had on deposit with the bank or trust company the Series 2017 Bonds described in  
26 the certificate.

27 SECTION 24. DEFEASANCE. When all principal and interest in connection with  
28 all or any part of the Series 2017 Bonds have been paid or provided for, the pledge  
29 and lien and all obligations under the Bond Ordinance with respect to those Series  
30 2017 Bonds shall be discharged and those Series 2017 Bonds shall no longer be  
31 deemed to be outstanding within the meaning of the Bond Ordinance.

1 Without limiting the preceding paragraph, there shall be deemed to be such  
2 payment when the Council has caused to be placed in escrow and in trust with an  
3 escrow agent located within or without the State and exercising trust powers, an  
4 amount sufficient (including the known minimum yield from Defeasance Obligations  
5 in which such amount may be initially invested) to pay all requirements of principal  
6 and interest on the Series 2017 Bonds to be defeased as the same become due to  
7 their final maturities. The escrow agent shall have received evidence satisfactory to  
8 it that the cash and Defeasance Obligations delivered to it will be sufficient to  
9 provide for the payment of the Series 2017 Bonds to be defeased as stated above.  
10 Neither the Defeasance Obligations nor money deposited with the escrow agent  
11 shall be withdrawn or used for any purpose other than as provided in the escrow  
12 agreement relating thereto and the Defeasance Obligation and money shall be  
13 segregated and held in trust for the payment of the principal or redemption price of  
14 and interest on the Series 2017 Bonds with respect to which such deposit has been  
15 made. The Defeasance Obligations shall become due prior to the respective times  
16 at which the proceeds are needed in accordance with a schedule established and  
17 agreed upon between the City and the escrow agent at the time of the creation of  
18 the escrow, or the Defeasance Obligations shall be subject to redemption only at the  
19 option of the holders or owners thereof to assure the availability of the proceeds as  
20 needed to meet the schedule.

21 If any Series 2017 Bonds are deemed to be paid and discharged pursuant to this  
22 Section, then, within fifteen (15) days after the date of defeasance, the City shall  
23 cause a written notice to be given to each Owner of Series 2017 Bonds deemed  
24 paid and discharged at the address shown on the Series 2017 Bond register for the  
25 Series 2017 Bonds on the date on which those Series 2017 Bonds are deemed paid  
26 and discharged stating the numbers of the Series 2017 Bonds deemed paid and  
27 discharged (if less than all Series 2017 Bonds are deemed paid and discharged),  
28 describing the Defeasance Obligations and specifying any date or dates on which  
29 the Series 2017 Bonds defeased are to be paid.

30 SECTION 25. BOND ORDINANCE IRREPEALABLE. After any of the Series  
31 2017 Bonds are issued, the Bond Ordinance shall be and remain irrepealable until

1 the principal of and interest on all Series 2017 Bonds are fully paid and discharged  
2 or there has been defeasance of all Series 2017 Bonds and the Series 2017 Bonds  
3 have been canceled.

4 SECTION 26. REPEALER. All ordinances, or parts of ordinances, inconsistent  
5 with the Bond Ordinance are repealed by the Bond Ordinance but only to the extent  
6 of that inconsistency. This repealer shall not be construed to revive any ordinance,  
7 or part of any ordinance, previously repealed.

8 SECTION 27. SEVERABILITY. If any section, paragraph, clause or provision of  
9 the Bond Ordinance shall for any reason be held to be invalid or unenforceable, the  
10 invalidity or unenforceability of that section, paragraph, clause or provision shall not  
11 affect any of the remaining provisions of the Bond Ordinance.

12 SECTION 28. FORM OF PUBLICATION. The title and general summary of the  
13 subject matter contained in the Bond Ordinance shall be published in substantially  
14 the following form:

15 [FORM OF SUMMARY OF ORDINANCE FOR PUBLICATION]

16 CITY OF ALBUQUERQUE, NEW MEXICO

17 NOTICE OF ADOPTION OF ORDINANCE

18 Notice is hereby given of the title and of a general summary of the subject matter  
19 contained in the City Ordinance Twenty-Second Council Bill No. F/S O-\_\_\_\_\_ duly  
20 adopted and approved by the City Council of the City of Albuquerque, New Mexico  
21 on March 6, 2017. Complete copies of the Ordinance are available for public  
22 inspection during the normal and regular business hours of the City Clerk at the  
23 Albuquerque/Bernalillo County Government Center, One Civic Plaza, Albuquerque,  
24 New Mexico.

25 The title of the Ordinance is:

26 **ORDINANCE**

27 **AUTHORIZING THE ISSUANCE AND SALE OF \$34,107,000 CITY OF**  
28 **ALBUQUERQUE, NEW MEXICO GENERAL OBLIGATION BONDS, CONSISTING**  
29 **OF \$26,367,000 GENERAL PURPOSE GENERAL OBLIGATION BONDS,**  
30 **SERIES 2017A, \$7,740,000 GENERAL OBLIGATION STORM SEWER BONDS,**  
31 **SERIES 2017B, AND \$\_\_\_\_\_ SHORT-TERM GENERAL OBLIGATION**

1        **BONDS, SERIES 2017C, AUTHORIZED AT AN ELECTION OF THE CITY HELD**  
2        **ON OCTOBER 6, 2015 TO FINANCE PROJECTS RELATING TO PUBLIC**  
3        **SAFETY, CITIZENS' CENTERS, PARKS AND RECREATION, FACILITIES AND**  
4        **EQUIPMENT, LIBRARY, PUBLIC TRANSPORTATION, ZOO, BIOLOGICAL PARK**  
5        **AND MUSEUM FACILITIES, STORM SEWERS, AND STREETS; PROVIDING**  
6        **FOR THE LEVY AND COLLECTION OF *AD VALOREM* TAXES FOR THE**  
7        **PAYMENT OF THE SERIES 2017 BONDS; PROVIDING FOR THE FORMS,**  
8        **TERMS, PURCHASE, PAYMENT, EXECUTION AND OTHER PROVISIONS OF**  
9        **AND CONCERNING THE SERIES 2017 BONDS; PROVIDING FOR THE AWARD**  
10       **AND SALE OF THE SERIES 2017A BONDS AND THE SERIES 2017B BONDS**  
11       **TO THE PURCHASER THEREOF; AUTHORIZING THE SALE OF THE SERIES**  
12       **2017C BONDS TO THE STATE OF NEW MEXICO; PRESCRIBING OTHER**  
13       **DETAILS IN CONNECTION WITH THE SERIES 2017 BONDS AND THE**  
14       **PAYMENT THEREOF; AND RATIFYING PRIOR ACTION TAKEN IN**  
15       **CONNECTION THEREWITH.**

16       The title of the Ordinance contains a summary of its provisions. This notice  
17       constitutes compliance with Sections 6-14-4 through 6-14-7, New Mexico Statutes  
18       Annotated, 1978.

19                    [END OF FORM OF SUMMARY OF ORDINANCE FOR PUBLICATION]  
20



# CITY OF ALBUQUERQUE

## Albuquerque, New Mexico

### Office of the Mayor

Mayor Richard J. Berry

#### INTER-OFFICE MEMORANDUM

January 30, 2017

**TO:** Isaac Benton, President, City Council

**FROM:** Richard J. Berry, Mayor

**SUBJECT:** Bond Ordinance: Authorizing the Issuance and Sale of \$34,107,000 City of Albuquerque, NM General Obligation Bonds, Series 2017 A, B & C.

The attached bond ordinance authorizes the issuance and sale of approximately \$34,107,000 City of Albuquerque, NM General Obligation Bonds, Series 2017 A, B & C.

It is estimated that the Series 2016 bonds will be issued in three series: (1) Series 2017 A & C – \$26,367,000 General Purpose GO Bonds, (2) Series 2017 B – \$7,740,000 Storm Sewer GO Bonds. The bond proceeds will be used for capital projects documented and approved in the 2015-2024 ten-year CIP Decade Plan, which has been approved by Council.

The bonds will be structured with a final maturity of 13 years or less, which is consistent with the City's debt policy. The Series 2017A & B bonds will be sold at a competitive sale on March 6, 2017 with closing on or about April 11, 2017. The Series 2017 C Taxable Sponge bonds will be issued and placed with the State Treasurer's office on June 30, 2017 and paid off on July 1, 2017. A floor substitute ordinance will be provided to the Council prior to adoption on March 6, 2017.

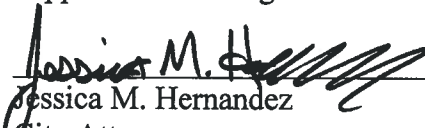
The attached proposed ordinance is hereby forwarded to the Council for its consideration.

Bond Ordinance: Authorizing the Issuance and Sale of \$34,107,000 City of Albuquerque, NM  
General Obligation Bonds, Series 2017 A, B & C.

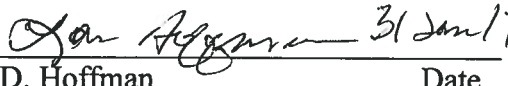
Approved:

 2/1/17  
Robert J. Perry Date  
Chief Administrative Officer

Approved as to Legal Form:

 2/1/17  
Jessica M. Hernandez Date  
City Attorney *weZ*

Recommended:

 31 Jan 17  
Lou D. Hoffman Date  
Director, Finance & Administrative Svcs.

Recommended:

 1-31-17  
Melissa Lozoya Date  
Acting Director, Municipal Development

# FISCAL IMPACT ANALYSIS

TITLE: AUTHORIZING THE ISSUANCE AND SALE OF \$34,107,000 CITY OF ALBUQUERQUE, NM, GENERAL OBLIGATION BONDS SERIES 2017 A & B, C

O: XXX O:  
FUND: 415

DEPT: Various

- ☐ No measurable fiscal impact is anticipated, i.e., no impact on fund balance over and above existing appropriations.
- ☒ (If Applicable) The estimated fiscal impact (defined as impact over and above existing appropriations) of this legislation is as follows:

		2017	Fiscal Years 2018	2019	Total
Base Salary/Wages					-
Fringe Benefits at	35.54%	-	-	-	-
Subtotal Personnel		-	-	-	-
Operating Expenses			-		-
Debt Service			10,666,138	\$ 2,620,850	13,286,988
Property			-	-	-
Indirect Costs	2.50%	-	-	-	-
Total Expenses		\$ -	\$ 10,666,138	\$ 2,620,850	\$ 13,286,988
<input type="checkbox"/> Estimated revenues not affected					
<input checked="" type="checkbox"/> Estimated revenue impact					
Revenue from Fund 415 - Property Tax			10,666,138	\$ 2,620,850	13,286,988
Amount of Grant					
City Cash Match -Fund 415					
City Inkind Match					
City IDOH		-	-	-	-
Total Revenue		\$ -	\$ 10,666,138	\$ 2,620,850	\$ 13,286,988

These estimates do not include any adjustment for inflation.

\* Range if not easily quantifiable.

Number of Positions created

COMMENTS: There is no fiscal impact on revenues and expenditures. Payment for outstanding debt service is budgeted in the FY17 budget and Series 2017 A,B & C will be included in the FY18 budget. See Attachment: Detailed Bond Debt Service Series 2017 A, B & C

## COMMENTS ON NON-MONETARY IMPACTS TO COMMUNITY/CITY GOVERNMENT:

PREPARED BY:

FISCAL ANALYST

APPROVED:

DIRECTOR

(date)

REVIEWED BY:

EXECUTIVE BUDGET ANALYST

BUDGET OFFICER

(date)

CITY ECONOMIST

## **Cover Analysis**

### **1. What is it?**

The attached proposed bond ordinance provides authorization for the issuance of \$34,107,000 City of Albuquerque, NM General Obligation General Purpose and Storm Sewer Bonds, Series 2017 A, B & C Bonds.

### **2. What will this piece of legislation do?**

The attached bond ordinance authorizes the issuance of the Series 2017 A, B & C General Obligation Bonds in the amount of \$34,107,000.

### **3. Why is the project needed?**

The bond proceeds will be used for capital projects documented and approved in the 2015-2024 Decade Plan.

### **4. How much will it cost and what is the funding source?**

The maximum cost of the project is approximately \$34,107,000 for Series 2017 A, B & C Bonds. The debt service from issuing the Series 2017 Bonds will be paid from property tax revenues of the city. If property tax revenues are not sufficient to pay the debt then the general fund will provide for the difference.

### **5. Is there a revenue source associated with this contract? If so, what level of income is projected?**

The revenue source utilized to pay off the bonds will be the property tax mill levy.



### General Obligation Bonds Series 2017 A, B & C

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
7/1/2017	10,067,000	1.000%	22,371	10,089,371	10,089,371
1/1/2018			576,767	576,767	-
7/1/2018	1,850,000	3.000%	399,300	2,249,300	2,826,067
1/1/2019			371,550	371,550	-
7/1/2019	1,850,000	3.000%	371,550	2,221,550	2,593,100
1/1/2020			343,800	343,800	-
7/1/2020	1,850,000	3.000%	343,800	2,193,800	2,537,600
1/1/2021			316,050	316,050	-
7/1/2021	1,850,000	3.000%	316,050	2,166,050	2,482,100
1/1/2022			288,300	288,300	-
7/1/2022	1,850,000	3.000%	288,300	2,138,300	2,426,600
1/1/2023			260,550	260,550	-
7/1/2023	1,850,000	3.000%	260,550	2,110,550	2,371,100
1/1/2024			232,800	232,800	-
7/1/2024	1,850,000	3.000%	232,800	2,082,800	2,315,600
1/1/2025			205,050	205,050	-
7/1/2025	1,850,000	3.000%	205,050	2,055,050	2,260,100
1/1/2026			177,300	177,300	-
7/1/2026	1,850,000	4.000%	177,300	2,027,300	2,204,600
1/1/2027			147,800	147,800	-
7/1/2027	1,850,000	4.000%	147,800	1,997,800	2,145,600
1/1/2028			110,800	110,800	-
7/1/2028	1,850,000	4.000%	110,800	1,960,800	2,071,600
1/1/2029			73,800	73,800	-
7/1/2029	1,850,000	4.000%	73,800	1,923,800	1,997,600
1/1/2030			36,800	36,800	-
7/1/2030	1,840,000	4.000%	36,800	1,876,800	1,913,600
	34,107,000		6,127,638	40,234,638	40,234,638